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Vol. II

TRANSCRIPT OF RECORD

Supreme Court of the United States

OCTOBER TERM, ~~1941~~ 1942

No. ~~321~~ 2

WILLIAM SCHNEIDERMAN, PETITIONER,

vs.

THE UNITED STATES OF AMERICA.

ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE NINTH CIRCUIT.

PETITION FOR CERTIORARI FILED JULY 26, 1941.

CERTIORARI GRANTED OCTOBER 13, 1941.

No. 9658

United States

Circuit Court of Appeals

For the Ninth Circuit.

WILLIAM SCHNEIDERMAN, also known as VELVEL SCHNEIDERMAN,

Appellant,

vs.

UNITED STATES OF AMERICA,

Appellee.

Transcript of Record

In Two Volumes

VOLUME II

Pages 477 to 904

Upon Appeal from the District Court of the United States for the Northern District of California, Southern Division.

PARKER PRINTING COMPANY, 545 SANSOME STREET, SAN FRANCISCO

(Testimony of William Schneiderman.)

DEFENDANT'S EXHIBIT "Q"

Examination of Harold Chapman Brown, taken from official report of proceedings before the Immigration and Naturalization Service of the Department of Labor, Docket No. 55973/217, in the Matter of Harry Bridges—Deportation hearing; Angel Island, San Francisco, California, August 15, 1939, August 16, 1939; Direct Examination commencing at page 4343 of said transcript:

HAROLD CHAPMAN BROWN

was called as a witness on behalf of the alien and, having been first duly sworn, was examined and testified as follows:

Direct Examination

By Miss King:

Q. Professor Brown, will you give your name and address for the record?

A. Harold Chapman Brown, 520 Alma Street, Palo Alto, California. Or a better address is Stanford University; I am moving tomorrow.

Q. How long have you been in California?

A. I came to California in 1914.

Q. And from where did you come?

A. Columbia.

Q. And what were you doing at Columbia?

A. Teaching, between Columbia and Barnhard College. The work is divided into two institutions; Barnhard is the woman's institution at Columbia.

[Note: All italics in this exhibit are by the author.]

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. Where did you receive your own education?

A. Well, I took my A.B. at Williams, and my Master's and Ph.D. at Harvard. I was one year in Germany during the time I worked for my Ph.D.; the University of Berlin.

Q. Have you written any books or articles, Professor Brown?

A. Something over 50 articles, and somewhere around 90 reviews; many of them articles, commemorative volumes, things of that sort, essays on John Dewey, essays on Edward James, things of that sort.

Q. To what professional organizations do you belong?

A. The American Association of University Professors, the Federation of Teachers. You mean honorary societies too? [229]

Q. Yes.

A. The Phi Beta Kappa and Sigma Psi.

Q. Any philosophical organizations?

A. American Philosophical Association.

Q. What languages have you knowledge of?

A. A reading knowledge, I have Latin, Greek, French, German; I can read Italian with a dictionary and I can read Russian with a dictionary fairly well.

Q. Will you tell us something about your background, Professor Brown, your parentage?

A. I come from an old New England family. My ancestors came over, I think, somewhere in the 1600's. My mother knows the genealogy of the

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

family; I never did. Mostly lawyers, doctors, a few clergymen way back. My father was a lawyer, president of the Hammond County Bar Association; he went into my grandfather's office and married my grandfather's daughter. My grandfather married my great grandfather's daughter—he was supreme court justice in Massachusetts—and so for a generation or two back. I don't know how far back it goes. I married a lawyer's daughter.

Q. Now, coming to the matter at hand, what work have you done on Marx's theory?

A. Why, I became interested in Marx first—that is in my first page of my statement, some of that, by the way.

I became interested at first in Columbia, while a good many of the younger men were talking about the philosophy of history, the Marxist philosophy of history, when I was there as a young instructor; and I have always been interested in a materialistic point of view.

My writings have all been along the lines of philosophy science, a goodly part of it, at least, and that went along the lines of materialism.

In the American philosophy we developed a so-called "concept of levels"; it is technically what Marx means by "Dialetical materialism." There is a very close relationship, anyhow, to it. [230]

And I began to be told I was a Marxian, so I thought I had better read Marx and find out, and I found out that I was, as far as the nature of the philosophy

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

was concerned at that time. Then later in my career I had to teach social philosophy more fully, and I naturally went into the Marxian philosophy in connection with social philosophy. I have taught philosophy of history, things of that sort, and the Marxian philosophy of history is certainly one of the more intelligible of the philosophies of history. I have had to go into that quite fully in that connection, and in social philosophy later, in connection with social religious philosophy problems.

Q. Now, you mentioned before that, that on the first page of your statement something appeared. Have you prepared a statement on your conception of what Marxism is?

A. Yes, it is here. There are copies of it.

Mr. Shoemaker: Is this in order to qualify the Professor as an expert on Marxism?

Mr. Gladstein: Well, that qualification has taken place, Mr. Shoemaker.

Mr. Shoemaker: Is that all you are going to ask him?

Mr. Gladstein: Well, I think there are some other questions.

By Miss King: Q. Professor Brown, what are you teaching now at Stanford?

A. I change my courses every quarter; we change our courses every quarter. This particular quarter I am giving a course in the Introduction of Philosophy, and Advanced Ethics.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. Are you the head of the Philosophy Department?

A. I am the head of the Philosophy Department, yes.

Q. How long have you been the head of the Philosophy Department?

A. I think about five years ago: I am not sure of the exact date.

Q. Do you feel that there is any further statement that you care to make, outside of your statement?

A. I don't know any particularly necessary to make, in any respect. I made some comment upon the [231] growing interest in Marxism in the universities, here in my opening statement in this opening page.

Q. Have you had any evidence of this growing interest in Marxism in the universities, outside of what appears in your paper?

A. Oh, yes, we have. There are theses coming up on Marxism all the time. We have two theses on the way in Stanford now, one that will finish probably this summer, on political science, on Marx: and we have one in the Philosophy Department which has just begun, on Marxism.

Q. Have you been——

A. (Interrupting) Or one aspect of it.

Q. Are those theses in your courses, or in other courses?

A. No; those theses have to be accepted by the graduate study committee of the university.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. I see.

A. All graduate students who propose theses have to submit a thesis topic to the graduate study committee, and the graduate study committee decides whether it is acceptable or not.

Q. Have you had any connection with the work on these theses?

A. I am directing one in the Philosophy Department, at the present time, on Marx, yes. Mr. Thompson is directing the other one, by the way.

Q. What books did you read, Professor Brown, in connection with your study of Marxism, either recently or——

A. (Interrupting) Well, I have been through the whole 15 volumes of Gesamtausgabe; that is an authorized edition of Marx. And I have been through most of the 21 volumes of Lenin, at one time or another.

Q. You have never taught anything in this field, have you?

A. I never have given a course in Marx specifically. Of course, in all philosophy of history Marx's philosophy of history is one of the important philosophies. There are three or four that are really worth considering; Marx is one of them.

Q. Have you written anything on this subject?

A. No, not directly.

Q. What do you mean by that?

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

A. Well, I mean by that, this: I [232] have done some papers on the philosophy of mind, from a materialistic point of view, which I think would be closely in line with Marx's conception. It was not done with direct reference to Marx, because Marx and Engels were at a time when the developments of physiology were such that a materialistic statement of mind, public statement of the nature of mind, couldn't be made very clearly in those times. Since the development of the reflex concept of Rosanoff and certain physiological developments, animal drive and the learning processes, it is possible to give a good deal fuller statement than was possible—than would be possible for Engels or Marx or Lenin to give.

Q. Will you make the statement that you have prepared with reference to the philosophy of Marxism?

Mr. Shoemaker: Just a minute. Have you qualified the gentleman to your own satisfaction, so far?

Miss King: Yes.

Mr. Shoemaker: If your Honor please, we all admit that Marxism is a very interesting subject for anyone's study, but that is not the issue here. The issue we have here is entirely different. No showing has been made, or attempt has been made by defense counsel to show that the Communist Party teaches pure Marxism in any way; no showing that the particular organization here and

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

the Marxist theory are one and the same thing. Now, we don't dislike to hear the Professor on the question of Marxism. In fact, personally I would like to hear him; I expect to learn something. But after all, we are concerned with something more than that here, and it seems to me that defense counsel should attempt to show that the Professor has a knowledge not only of the theory of Communism but perhaps the practices of Communism, and if they don't do it with regard to the practices of Communism I expect to do it before the gentleman is qualified. [233]

Miss King: If your Honor pleases, there have been a number of exhibits introduced in evidence in this case—I don't know by number how many of those volumes—volumes of Marx and Lenin, a great number, and it seems to me that in view of those circumstances we are interested in the theory of Marxism, and that apparently at least some of the documents which the Communist Party is charged with distributing are volumes of Marx and volumes of Lenin. For that reason the philosophy of Marx and Lenin are matters, it seems to me, not only of interest but immediately relevant to these proceedings. Now, what other issues there are in the case, it seems to me, is immaterial at this moment. That a person who has the knowledge, who has done the study on Marx that Professor Brown has done, and is a scholar in that subject—it seems to me what he has to say as to the theories of Marx

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

and Leninism in regard to the issues in this case, if for no other reason than because of the documents that have been introduced, that is material and a summary of those teachings is important and should be presented.

Mr. Grossman: There is something else I would like to add: Regardless of how the Government may or may not have proceeded in certain cases, so far as presenting a small or a large amount of Marx's theories for the consideration of the Examiner, and the Labor Department, and, perhaps, the courts, nevertheless the fact remains that the theory of Marxism is not a simple thing that can be determined from one sentence out of any of these pamphlets. The theory of Marxism, as will appear very shortly from the testimony of these professors, is a complicated and extended discussion.

It certainly comes ill from the Government, to one who presumably is interested in having this case decided, not upon a few chosen sentences, but upon the entire theory of Marxism, to contend that the evidence must be limited to the limited, [234] perhaps representative, perhaps unrepresentative, portions that have been chosen out of well-chosen, let us say, pamphlets. If the Government had made any attempt, or even purported to introduce documents which would give an all-sided view of Marxian, then it might well be contended that if they had done this and identified them properly that

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

we had no basis for putting on anyone who couldn't properly identify these documents as connected with the Communist Party. But since this hasn't been done it comes ill from the Government to object that in supplementing, in adding those things that were for some reason left out in the presentation, in making a fuller presentation merely of the doctrines, that something irrelevant is being done, or that a person incompetent is being qualified. Certainly no one could look at the documents introduced and say they purport, whether in the theory of the Government case or ours, represent anything but the Marxian theory. Certainly no one could look at those and claim they don't require other documents, or other books for explanation and don't require interpretation. That isn't true. We cannot start the theoretical part of the case on the theory that such a question as this can be decided on the basis of chosen passages from a few pamphlets and the sooner we get that cleared up the better. Marxism is a subject which has not yet been fully presented to this tribunal and the theory upon which I think the testimony of the two professors should be considered is that they are presenting relevant aspects, a discussion or a statement of relevant aspects of the Marxian theory which has not yet been presented. An all-sided discussion of that theory must be had before anyone is in a position to judge the Marxian theory.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Mr. Shoemaker: Let me say, in answer to that, this: As I recall it, the professors were called here before those books were introduced. Whether they were or whether they were not, I am concerned with trying to get the record as small as possible. [235]

Going back to some of the suggestions made by defense counsel: I am not afraid to hear the professors for one minute. If they are not qualified now in their knowledge of what we think is the issue in this case, we shall attempt to qualify the gentlemen later. In other words, we are not accepting, because defense counsel say so, that the gentlemen are qualified in Marxism pure and simple and that is the issue in this case; and neither are we at this time, nor later, restricted to those publications which have already been put into evidence here as Government exhibits in so far as showing that the Communist Party is a subversive organization. We expect to show that and we expect to introduce still further evidence, if I feel it necessary, and I feel that we have the right to at any time introduce that.

Now, going back to the question of the professor's knowledge of pure Marxism. As Mr. Bonham told you some time ago, he wasn't concerned particularly with theories of Communism, neither are we concerned particularly with the theories of Marxism. We are concerned with the methods of

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

carrying the theories of Marxism into effect. The theories of Marxism are only a small part of something out of which something else evolves and which remains today and is today in American life, and we expect to show that, and emphatically, beyond a peradventure of a doubt that it is a subversive organization.

Trial Examiner Landis: The issue in this case, of course, is whether or not the Communist Party advocates the overthrow of the Government of the United States by force and violence, or whether the Communist Party has an organization which distributes pamphlets which teach, advise or advocate the overthrow of the Government of the United States by force and violence. The Communist Party may distribute a number of books, some of which do not advocate the overthrow of the Government of the United States by force [236] and violence, but some of which may. The fact that it distributes one of those books seems to me sufficient in law to sustain the charge embodied in the warrant. But whether or not the Communist Party advocates the overthrow of the Government of the United States by force and violence is a matter of the examination of Communist doctrines as embodied in the official documents, some of them which have been produced and made a part of this record already. The problem of interpretation in large measure of that doctrine is the evidence that the

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

doctrine of the Communist Party is a thing that didn't come into existence all of a sudden in 1939, or 1924; but stems from earlier sources, the most important of which was Marx.

To understand the Communist doctrine and to understand the import of the language contained in things like the Communist Manifesto, in such preambles as are contained in the constitution of the Communist Party, to understand the import of that language one has to look at it from two standpoints: One, the intention of the writers of the language, as well as the effect of that language on minds of ordinary human intelligence. Both sides seem to be valid.

In order to get an understanding of the intention of that type of language it seems to me that a study of some understanding of Marxism is superficially essential. I do not say it is essential in the final analysis, but I think that a preliminary case for a grasp of Marx' theories is there.

As to your point that the issue is only the practice of the Communist Party, I do not think that is the only issue in this case. I think it is an issue in this case. But the language of the statute under which this warrant was sued out goes to the doctrine as well as to practice and advocacy. I think that this proffered testimony is not irrelevant so I overrule the objection of the Government. [237] We will take a short recess.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

(Whereupon a short recess was taken, after which proceedings were resumed as follows:)

Trial Examiner Landis: You may proceed.

By Miss King: Q. Professor Brown, have you prepared a statement on Marxism and its doctrines and theories? A. I have.

Q. Will you read it, please?

A. Before reading this I would like to say that I think it will save time better in the long run if you will allow me to read very continuously. I will be glad to answer questions any time that you want to interrupt.

Trial Examiner Landis: Counsel may.

Mr. Shoemaker: I shan't offer any objection if you think you can save time.

The Witness: I will omit the second paragraph of the statement because it has already been covered, I think.

Trial Examiner Landis: Anything that should go into the record you had better read.

The Witness: I will read the whole thing.

Preface

This statement which I am to make under subpoena concerns the content and significance of Marxist philosophy. It is not to be taken as a statement of my own views on any of the points in question. I have endeavored to treat the subject as objectively as I should the philosophies of Plato,

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

St. Thomas Aquinas, or Emmanuel Kant, if there were need of an exposition of their views. It differs from a classroom presentation only in that it is limited to exposition and does not include critical evaluation.

My interest in Marxism goes back to my Columbia days before 1914, where I taught for seven years after taking my Ph.D. at Harvard. The materialist interpretation of history was then a topic of lively interest among the historians and economists with whom I was thrown in contact. My own work in the Philosophy of science led me to study the background of Marxism, and in social philosophy, to [238] complete the picture. I have never given a course exclusively devoted to Marxian philosophy but I discussed relevant aspects of this philosophy in connection with the philosophy of science, of language, of history, and of ethics. Academic philosophers have been somewhat tardy in giving recognition to the high quality of Marx-Engels thought, as they were in recognizing Nietzsche, but our textbooks are now giving increased space to it; Professor Hocking of Harvard has given courses in Marxism, Columbia has had a course on Philosophy in the U S S R (Marxism), and a seminar on Marx-Engels has been given at the University of California. There is also a Marxist Quarterly of high character, Science and Society, published in New York.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Marxist Philosophy

Introduction: The Philosophy of Marx-Engels is known as Dialectical Materialism. The standard edition of their writings is the Marx-Engels Gesamtausgabe, published in Berlin under the auspices of the Marx-Lenin Institute of Moscow, 1932, an edition comprising 15 volumes of something over 600 pages each. There is no complete English translation but the principle writings have been done into English and I have made use of English editions wherever possible.

The collaboration of these men was so close that it is impossible to separate their thought. Of Marx, Engels wrote (Feuerbach, 1888, footnote pp. 52-53),

> "I cannot deny that both before and during my 40 years collaboration with Marx I had a certain independent share in laying the foundations, and more particularly in elaborating the theory. But the greater part of its leading basic principles, particularly in the realm of economics and history, and above all its final clear formulation, belongs to Marx. * * * What Marx accomplished I would not have achieved. Marx stood higher, saw further, and took a wider and quicker view than all the rest of us. We others were at best talented; Marx was a genius." [239]

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Such close collaboration and generous recognition of the greater by the lesser man is almost unique in history. For smooth reading I shall not read the quotations marks. They are shown in the manuscript. Engels writes of their philosophy (Letter 203, to Florence Kelly Wischnewetsky):

> "Our theory is a theory of evolution, not a dogma to be learned by heart and repeated mechanically."

Nevertheless, it is so closely integrated that it is impossible to interpret any part of it except in the light of the whole. Hence, although this hearing is primarily concerned with the Marx-Engels conception of the nature and process of revolution, the conception of the class struggle, and the role of force or violence, I find it impossible to discuss these matters without a preliminary account of their conception of materialism, the meaning of dialectic, and of their philosophy of history, of which these doctrines are integral parts. I will try to make this discussion as brief as possible.

Materialism: The 11th thesis on Feuerbach reads:

> "The philosophers have only *interpreted* the world in different ways: the point, however, is to *change* it." (Jackson, Dialectics, p. 31.)

Now, if anything is to be changed, it is obviously necessary to know the character of the thing, the

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

processes that can be utilized, and the directions of change that are possible. For the Marxian materialist, there is no unknowable, but merely an unknown; the scientific method is the only method for seeking knowledge and no limits can be set a priori to the possibilities of scientific achievement.

> "Those who asserted the primacy of the spirit to nature * * * comprise the camp of the idealists. The others who regard nature as primary, belong to the various schools of materialism." (Marx, Selected Works, English Edition, Volume I, pp. 430-431.) [240]

For the latter, "the material sensuously perceptible world to which we ourselves belong is the only reality * * * Matter is not a product of mind, but mind itself is merely the highest product of matter." (Idem., p. 435.) "It is impossible to separate thought from matter that thinks. Matter is the subject of all changes." It follows that

> "the subject of natural science is moving matter, bodies. Bodies cannot be separated from motion, their form and kinds can only be known through motion, of bodies apart from motion, apart from any relation to other bodies, nothing can be asserted. Natural science, therefore, knows bodies by considering them in their relation to one another, in motion * * * The investigation of these different forms of motion

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

is, therefore, the chief subject of natural science." (Letter 158, Engels to Marx, 1873.)

As to mind, it is true that "men are the producers of their conceptions," (Feuerbach, p. 14) but,

> "these forms (of being) can never be created and derived by thought out of itself, but only from the external world * * * the principles are not the starting point of the investigation, but its final result; they are not applied to Nature and human history, but abstracted from them; it is not Nature and the realm of humanity which conforms to these principles, but the principles are only valid in so far as they are in conformity with Nature and History." (Anti-Duhring, P. 44)

This explanation of materialism should be especially noted for Marx and Engels are consistent and it is in this way that their assertions about the laws of social evolution and all their social conceptions should be understood. It is really a negation of traditional metaphysics.

> "If we deduce the world schematism not from our minds, but only *through* our minds from the real world, deducing the basic principles of being from what it is, we need no philosophy for this purpose, but positive knowledge of the world and of what happens in it." (Anti-Duhring, p. 45.) [241]

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Even in the case of pure mathematics it is not true that

> "the mind deals only with its own creations and imaginations. The concepts of number and form have not been derived from any source other than the world of reality. The ten fingers on which men learnt to count * * * may be anything else but they are not the free creation of the mind." (Idem., p. 47.) "But, as in every other department of thought, at a certain stage of development the laws, abstracted from the real world become divorced from the real world, and are set over against it as something independent, as law coming from outside, to which the world has to conform * * * in this way and not otherwise, *pure* mathematics is subsequently *applied* to the world, although it is borrowed from this same world and only represents one section of its forms of connection—and it is just precisely because of this that it can be applied at all." (Idem., p. 48.)

Furthermore, a concept cannot "directly coincide with reality, from which it must first be abstracted," but, "it is still something more than a fiction, unless you are going to declare all the results of thought fictions because reality has to go a long way around before it corresponds to them, and even then corresponds to them with asymptotic approximation

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

* * *" "From the moment we accept the theory of evolution all our concepts of organic life correspond only approximately with reality. * * * In 1843, I saw the eggs of the duck-bill in Manchester and with arrogant narrow-mindedness mocked at such stupidity as if a mammal could lay eggs—and now it has been proved! So don't behave * * * in the way I had later to beg the duck-bill's pardon for!" (Letter 232, Engels to Schmidt, March, '95.)

As to method,

> ". . . it was resolved to comprehend the real world-nature and history—just as it presents itself to everyone who approaches it free from preconceived idealist fancies. It was decided relentlessly to sacrifice every idealist fancy which could not [242] be brought into harmony with the facts conceived in their own and not in a fantastic connection. And materialism means nothing more than this." (Engels, Feuerbach, p. 53.)
>
> "As to the realms of ideology which soar still higher in the air, religion, philosophy, etc., these have a prehistoric stock, found already in existence and taken over in the historic period of what we should today call bunk." (Letter 214, Engels to Schmidt, October, '90.)

In summary, whereas, "By the word materialism, the philistine understand gluttony, drunkenness,

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

lust of the eye, lust of the flesh, arrogance, cupidity, avarice, swindling—in short, all the filthy vices in which he himself indulges in private," and, "by the word Idealism, he understands the belief in virtue, universal philanthropy and in a general way 'a better world' of which he boasts before others, but in which he himself at the utmost believes not so long as he is going through the depression or bankruptcy consequent upon his customary 'materialist' excesses;" (Engels, Feuerbach, pp. 41-42;) in contrast, Marx and Engels see in Idealism illusion and the paralysis of action, and in Materialism, careful scientific analysis as an effective instrument in man's struggles to attain a better life.

Dialectic: The word dialectic is an inheritance from the philosophy of the Greeks. It represents a method of arriving at truth by exposing the contradictions in an argument and overcoming them by reinterpretation of the data. In the 19th Century it attained wide circulation through the philosophy of Hegel, which had been raised by the Prussian monarchy to the estate of an official philosophy, and the term had also attained a new meaning, since the idealist Hegel had conceived reality as an Absolute Idea whose temporal development took place through an inner dialectic of logic, a movement of thesis, antithesis and synthesis. [243] The term came to Marx through his studies of Hegel and his

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

association with the younger Hegelians who were passing from battles of ideas into the world of practical politics. He seems to have taken it over partly for the sake of being understood and partly from recognition of a kernal of truth in the conception. Of it he says:

> "My dialectic method is not only different from the Hegelian, but is its direct opposite. To Hegel, the life-process of the human brain, i.e., the process of thinking, which under the name of 'the Idea' he even transforms into an independent subject, is the demiurges of the real world, and the real world is only the external, phenomenal form of the 'Idea.' With me, on the contrary, the ideal is nothing else than the material world reflected by the human mind, and translated into forms of thought." (Capital, Author's Preface to the Second Edition, p. 25.)

In consequence the dialectic must come to reflect the nature of process in the material and social world. Change becomes the most universal characteristic of reality.

> "All nature," says Engels, "from the smallest thing to the biggest, from a grain of sand to the sun, from the protista to man, is in a constant state of coming into being and going out of being, in a constant flux, in a ceaseless state

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

of movement and change." (Engels, Dialectic of Nature). So the important aspects of nature and society are "what is arising and developing, and not what is apparently stable but is really already beginning to pass away."

As a second point, Dialectics insists on the integral connection of all things in nature and their organic interdependence so that no thing or event can be understood in isolation. A recent British Marxian (H. Levy, Philosophy for a Modern Man) illustrates this amusingly by a picture of a running hiker, an isolate, whose hurry can only be understood by a contextual completion of the picture that shows the bull chasing him. [244]

Thirdly, "Nature is the test of Dialectics," (Engels, Anti-Duhring) and nature exhibits the process of development not as a growth or uniform change but as a process in which quantitative changes reach critical points and pass over into qualitative changes by rather sudden mutations.

"In physics * * * every change is a passing of quantity into quality * * * For example, the temperature of water has at first no effect on its liquid state; but as the temperature of liquid water rises or falls, a moment arrives when this state of cohesion changes and the water is converted in one case into steam and in the other into ice * * * A definite minimum current is required to make a platinum wire

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

glow; every metal has its melting point, etc."
(Engels, Dialectic of Nature.)

In the Anti-Duhring, Darwin is credited with proving this to be the process of developments of plants and animals. This point should be kept in mind, for we shall find it is such qualitative changes occurring in the development of a society that constitute a revolution.

As a final point, the development of all things is the resultant of conflicting forces within them, and not a harmonious unfolding. Lenin refers with approval to Heraclitus, an early Greek philosopher, who conceived the struggle of opposites as the truly creative process of nature and he himself uses this formula. (Selected Works, XI, pp. 81-82.) It is easy to anticipate the significance this principle will have when attention is turned to the history of society.

These special points of the dialectic method are the key to the development of the philosophy of history, for in human society we have occurrent and ever-changing events not to be understood in isolation, developing conflicting forces amongst and within themselves and critical points of change from which a qualitatively [245] different organization of society results. But the application of the dialectic is not simple.

Engels writes Conrad Schmidt (Letter 212, August 5, '90):

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

"* * * the materialistic conception of history also has a lot of friends nowadays to whom it serves as an excuse for not studying history. Just as Marx used to say about the French 'Marxists' of the late 'seventies': 'All I know is that I am not a Marxist.' In general the word 'materialistic' serves many of the younger writers in Germany as a mere phrase with which anything and everything is labelled without further study; they stick on this label and then think the question disposed of. But our conception of history is above all a guide to study * * * All history must be studied afresh, the conditions of existence of the different formations of society must be individually examined before the attempt is made to deduce from them the political, civil-legal, aesthetic, philosophical, religious, etc., notions corresponding to them * * * only too many of the younger Germans simply make use of the phrase, historical materialism (and *everything* can be turned into a phrase) in order to get their own relatively scanty historical knowledge (for economic history is still in its cradle!) fitted together into a neat system as quickly as possible, and they then think themselves something very tremendous."

The Philosophy of History: In his funeral oration at the grave of Marx (March 17, 1883) Engels

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

pays the following tribute to his lifelong collaborator:

> "Just as Darwin discovered the law of evolution in organic nature, so Marx discovered the law of evolution in human history. He discovered the simple fact (heretofore hidden beneath ideological excrescences) that human beings must have food and drink, clothing and shelter, first of all, before they can interest themselves in politics, science, art, religion, and the like. This implies that the production of the immediately requisite material [246] means of subsistence, and therewith the extant economic developmental phase of a nation or an epoch, constitute the foundation upon which the State institutions, the legal outlooks, the artistic and even the religious ideas, of those concerned, have been built up. It implies that these latter must be explained out of the former, whereas usually the former have been explained as issuing from the latter."
>
> "Relics of bygone instruments of labor possess the same importance for the investigation of extinct economical forms of society, as do fossil bones for the determination of extinct species of animals. It is not the articles made, but how they are made, and by what instruments, that enables us to distinguish different economical epochs. Instruments of labor not

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

only supply a standard of the degree of development to which human labor has attained, but they are also indicators of the social conditions under which that labor is carried on." (Capital, p. 200.)

"Of the elements handed down to a later age from an earlier, what appears accidental to the later age as opposed to the earlier, is a form of intercourse which corresponded to a less developed state of productive forces." (Feuerbach, pp. 70-71.)

In history, Marx and Engels find five types of relation to production:

1. A primitive communal in which, while men own their own instruments of production and defense—bows, arrows, fishnets, etc., they more or less work together or at least no man lives off the labor of other men who are obliged to work for him to maintain themselves.

2. Slave, where there has arisen a class of owners who possess both the instrumentalities of production and the workers with whom they can do as they please.

3. In feudalism, the peasant and handicraftsman own their own [247] tools of production but have not access to the natural resources necessary for their use, so they pass to the semi-ownership of the feudal lord who prefers their bondage to slavery

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

since the slave has no incentive to work and no initiative, whereas the serf must work to retain such privileges as he has.

> "The hand mill gives you society with the feudal lord; the steam mill society with the industrial capitalist." (The Poverty of Philosophy, English Edition, p. 92.)

4. In capitalist society, the ownership of instrumentalities of production have become capitalist property and the workers are obliged to sell their labor power in order to live.

> "In imagination, individuals seem freer under the dominance of the bourgeoisie (Capitalists) than before, because their condition of life seems accidental; in reality, of course, they are less free, because they are more subject to the violence of things." (German Ideology, p. 77.) And beyond this:

5. Is the socialist stage, in which the instrumentalities of production are collectively owned and the fruits of production belong to those who actively produce them.

> "It is superfluous to add that men are not free to choose their *productive* forces—which are the basis of all their history—for every productive force is an acquired force, the product of former activity.
>
> "The productive forces are therefore the result of practical human energy; but this energy

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

is itself conditioned by the circumstances in which men find themselves, by the productive forces already won, by the social form which exists before they do, which they do not create, which is the product of the former generation * * *

"Are men free to choose this or that form of society for themselves? By no means. Assume a particular state of development in production, commerce and consumption, and you will have a corresponding social order, a corresponding organization of the family and [248] out of the ranks and classes, in a word, a corresponding civil society." (Civil society—any form of society based on division of labor.) (Selected correspondence, Marx to Annenkov, Letter 2, December 28, 1846, p. 7.)

"The institution and privileges of guilds and corporations, the regulatory regime of the Middle Ages, were social relations corresponding only to the acquired productive forces and to the social condition which had previously existed and from which these institutions had arisen. Under the protection of this regime of corporations and regulations capital was accumulated, overseas trade was developed, colonies were founded. But the fruits of this would themselves have been forfeited if men had tried to retain the forms under whose shelter these

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

fruits had ripened. Hence, came two thunderclaps—the revolutions of 1640 and 1688. (In England.) All the old economic forms, the social relations corresponding to them, the political conditions which were the official expression of the old civil society, were destroyed in England." (Letter 2, p. 8.)

Of a later time,

"one can say that up to the year 1825—the period of the first general crisis—the general demands of consumption increased more rapidly than production, and the development of machinery was a necessary consequence of the needs of the market. Since 1825, the invention and application of machinery has been simply the result of war between workers and employers." (Letter 2, p. 10.)

"They, the bourgeoisie, all tell you that in principle, that is as abstract ideas, the competition, monopoly, etc., are the only basis of life, but that in practice they leave much to be desired. They all want competition without its tragic effects. They all want the impossible, namely, the conditions of bourgeois existence without the necessary consequences of these conditions. None of them understands that the bourgeois form of production is historic [249] and transitory, just as the feudal form was. This mistake arises from the fact that the bour-

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

geois man is to them the only possible basis of every society; they cannot imagine a society in which men have ceased to be bourgeois." (Letter 2, p. 15.)

"Upon the different forms of property, upon the social conditions of existence, as foundation, there is built a superstructure of diversified and characteristic sentiments, illusions, habits of thought, and outlooks on life in general. The class as a whole creates and shapes them out of its material foundation, and out of the corresponding social relationship. The individual in whom they arise through tradition and education may fancy them to be true determinants, the real origin of his activities." (18th Brumaire, p. 55.)

"Morality, religion, metaphysics, all the rest of ideology and their corresponding forms of consciousness, thus no longer retain the semblance of independence. They have no history, no development; but men, developing their material production and their material intercourse alter, along with this their real existence, their thinking and the products of their thinking. Life is not determined by consciousness, but consciousness by life." (Feuerbach, pp. 14-15.)

"I consider the ultimate supremacy of economic development established in these spheres too, but it comes to pass within conditions im-

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

posed by the particular sphere itself; in philosophy, for instance, through the operation of economic influences (which again generally only act under political, etc., disguises) upon the existing philosophic material handed down by predecessors. Here economy creates nothing absolutely new (a novo), but it determines the way in which the existing material of thought is altered and further developed, and that too for the most part indirectly, for it is the political legal and moral reflexes which exercise the greatest direct influence upon philosophy." (Letter 214, [250] Engels to Conrad Schmidt, October 27, '90.)

Marx himself has given a magnificently condensed summary of the whole philosophy of history in the preface to the Critique of Political Economy, 1859:

"I was led by my studies to the conclusion that legal relations as well as forms of state could neither be understood by themselves, nor explained by the so-called general progress of the human mind, but that they are rooted in the material conditions of life, which are summed up by Hegel after the fashion of the English and French of the eighteenth century under the name 'civic society'; the anatomy of that civic society is to be sought in political economy.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

"In the social production which men carry on, they enter into definite relations that are indispensable and independent of their will; these relations of production correspond to a definite stage of development of their material powers of production. The sum total of these relations of production constitutes the economic structure of society—the real foundation, on which rise legal and political superstructures and to which correspond definite forms of social consciousness. The mode of production in material life determines the general character of the social, political, and spiritual processes of life.

"It is not the consciousness of men that determines their existence, but on the contrary, their social existence determines their consciousness.

"At a certain stage of their development, the material forces of production in society come in conflict with the existing relations of production, or—with the property relations within which they had been at work before. From forms of development of the forces of production these relations turn into their fetters. Then comes the period of social revolution. With the change of the economic foundation the entire immense superstructure is more or [251] less rapidly transformed.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

"In considering such transformations the distinction should always be made between the material transformation of the economic conditions of production which can be determined with the precision of natural science, and the legal, political, religious, aesthetic, or philosophic—in short, ideological forms in which men become conscious of this conflict and fight it out. Just as our opinion of an individual is not based on what he thinks of himself, so can we not judge of such a period of transformation by its own consciousness; on the contrary, this consciousness must rather be explained from the contradictions of material life, from the existing conflict between the social forces of production and the relations of production. No social order ever disappears before all the productive forces, for which there is room in it, have been developed; the new higher relations of production never appear before the material conditions of their existence have matured in the womb of an old society. Therefore, mankind always takes up only such problems as it can solve; since, looking at the matter more closely, we will always find that the problem itself arises only when the material conditions necessary for its solution already exist or are at least in the process of formation.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

"The bourgeois relations of production are the last antagonistic form of the social process of production—antagonistic not in the sense of individual antagonism, but of one arising from conditions surrounding the life of individuals in society; at the same time the productive forces developing in the womb of bourgeois society create the material conditions for the solution of that antagonism." (Pp. 11-14.)

Engels makes the following comment on this in a letter to J. Block (Letter 213, September 21, '90): [252]

"According to the materialistic conception of history the determining element in history is *ultimately* the production and reproduction in real life. More than this neither Marx nor I have ever asserted. If therefore, somebody twists this into the statement that the economic element is the only one, he transforms it into a meaningless, abstract and absurd phrase. The economic situation is the basis, but the various elements of the superstructure—political forms of the class struggle and its consequences, constitutions established by the victorious class after a successful battle, etc., forms of law, and then even the reflexes of all these actual struggles in the brains of the combatants; political, legal, philosophical theories, religious ideas and

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

their further development into systems of dogma—also exercise their influence upon the course of the historical struggles and in many cases preponderate in determining their *form*. There is an interaction of all these elements, in which, amid all the endless *host* of accidents (i.e., of things and events, whose inner connection is so remote or so impossible to prove that we regard it as absent and can neglect it,) the economic movement finally asserts itself as necessary. Otherwise the application of the theory to any period of history one chose would be easier than the solution of a simple equation of the first degree . . .

"Marx and I are ourselves partly to blame for the fact that younger writers sometimes lay more stress on the economic side than is due to it. We had to emphasize this main principle in opposition to our adversaries, who denied it . . .

"Unfortunately, however, it happens only too often that people think they have fully mastered a theory and can apply it without more ado from the moment they have mastered its main principles, and even those not always correctly. And I cannot exempt many of the more recent 'marxists' from this reproach, for the most wonderful rubbish has been produced from this quarter too." [253]

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

The Philosophy of History in Action.

Since every state of society is "historic and transitory," it is the tensions of forces within it that determine the direction of change at any moment. These tensions become articulate as class struggles where classes may be defined as

> "large groups of people which differ from each other by the place they occupy in a historically definite system of social production, by their relation (in most cases fixed and formulated in laws) to the means of production, by their relation in the social organization of labor, and, consequently by the dimensions and method of acquiring the share of social wealth that they obtain." (Lenin, Selected Works, Volume IX, pp. 432-433.)

> "So extensive are the differences between the material, the economic conditions of the class war in classical and modern times, that the political incidents born out of the struggle in one epoch and the other can have no more resemblance to one another than the Archbishop of Canterbury has to the High Priest Samuel." (18th Brumaire, p. 19.)

> "Marx," writes Engels, "was the first to discover the great law which governs the march of history. According to this law, all historical struggles, although they seem to take place on the political, religious, philosophical, or any

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

other ideal plane, are, in reality, nothing else than the more or iess clear expression of struggles between social classes. The existence of these classes and their collisions, are themselves determined by the degree of development in the economic situation, by the prevailing mode of production, and by the methods of exchange which result. This law bears the same relationship to history as the law of the conservation of energy bears toward the physical sciences." (In the preface to the third German Edition of the 18th Brumaire, p. 22.)

The theoretical analysis of the operation of capitalism is given in KAPITAL (Three volumes, '67, '85, '94—the last two [254] posthumous.) Both Marx and Engels are prolific in analyses of historic processes of their day; Marx in the Rheinische Zeitung, the Neue Rheinische Zeitung, Contributions to the New York Tribune, (1852) his study of the 18th Brumaire, and Engels in his studies of the class war and revolution in France made careful and penetrating studies of these processes. The American Civil War was also an important object of study to them. I think I can best exposit this phase of their thought from the Communist Manifesto of 1848, which is the great classic of the movement, but it must be kept in mind that this document was written for a certain group, under certain conditions. It is not a gospel but a program.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

In his introduction to the English edition of 1858, Engels tells us that the Manifesto, a joint production, was first "published as the platform of the Communists League, a workingmen's association, first exclusively German, later on international, and under the political conditions of the Continent before 1848, unavoidably a secret society," (page 3,) and as definition of the word communist, he explains, "whatever portion of the working class had become convinced of the insufficiency of mere political revolutions, and had proclaimed the necessity of a total social change, called itself 'communist.'" (Page 5.) It takes its stand on the Marxian philosophy of history:

> "The whole history of mankind * * * has been a history of class struggles, contests between exploiting and exploited, ruling and oppressed classes; that the history of these class struggles form a series of revolutions in which, nowadays, a state has been reached where the exploited and oppressed class—the proletariat—cannot attain its emancipation from the sway of the exploiting and ruling class—the bourgeoisie—without at the same time, and once and for all, emancipating society at large from all exploitation, oppression, class distinctions and class struggles." [255]

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

In the preface to the German edition of 1872, Engels comments:

> "However much the state of things may have altered during the last 25 years, the general principles laid down in this Manifesto are, on the whole, as correct today as ever. Here and there some detail might be improved. The practical application of the principles will depend, as the Manifesto itself states, everywhere and at all times, on the historical conditions for the time being existing * * * But then, the Manifesto has become a historical document which we have no longer any right to alter."

As to the document itself: The introduction opens with an ironical note:

> "A spectre is haunting Europe, the spectre of Communism." "All the posers of old Europe have entered into a holy alliance to exorcise this spectre: Pope and Czar, Metternich and Guizot, French radicals, and German police spies."

Hence, Communism is already acknowledged by all European powers to be itself a "power" and "it is high time that Communists should openly, in the face of the whole world, publish their views, their aims, their tendencies, and meet this nursery tale of the spectre of Communism with a manifesto of the party itself."

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Part I discusses the relation of bourgeois and proletarians. It opens with a recapitulation of the philosophy of history culminating in the following picture of the present (1848):

"Our epoch has simplified the class antagonisms. Society as a whole is more and more splitting up into two great hostile camps—bourgeois and proletariat."

"The bourgeoisie cannot exist without constantly revolutionising the instruments of production, and thereby the relations of production, and with them the whole relations of society." (P. 12.)

"The need of a constantly expanding market for its products chases the bourgeoisie over the whole surface of the globe." (P. 12.) [256]

"The cheap prices of its commodities are the heavy artillery with which it batters down all Chinese walls. It compels all nations, on pain of extinction, to adopt the bourgeois mode of production; it compels them to introduce what it calls civilization into their midst * * * In a word, it creates a world after its own image." (P. 13.) "(It) has subjected the country to the rule of the towns. It has created enormous cities, has greatly increased the urban population as compared to the rural . . ." (P. 13.)

"It has conjured up such a gigantic means of production and of exchange (that it) is like the sorcerer who is no longer able to control

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

the powers of the nether world whom he has called up by his spells." (P. 15.) "This is manifest in the revolt of modern productive forces against modern conditions of production, against the property relations that are the conditions of the bourgeoisie and its rule." (P. 14.)

Hence, crises and overproduction.

"The productive forces at the disposal of society no longer tend to further the development of the conditions of bourgeois property." (P. 15.)

Also the modern working class has been called into existence.

"These laborers, who must sell themselves piecemeal are a commodity, like every other article of commerce, and are consequently exposed to all the vicissitudes of competition, to all the fluctuations of the market."

Organized as an industrial army, it becomes the proletariat. Lower strata of middle class pushed down to the same level through inability to compete. Gradually they learn the value of union.

As conflict grows

"a small section of the ruling class cuts itself adrift and joins the revolutionary class . . . Just as, at an earlier period, a section of the nobility went over to the bourgeoisie." (P. 19.)

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

"The lower middle class, the small manufacturer, the shopkeeper, the artisan, the peasant, all these fight against the bourgeoisie, [257] to save from extinction their existence as fractions of the middle class. They are, therefore, not revolutionary, but conservative. Nay, more they are reactionary, for they will try to roll back the wheel of history." (P. 19.)

"The 'dangerous class,' the social scum, that passively rotting mass thrown off by the lowest layers of the old society may, here and there, be swept into the movement by the proletariat revolution; its conditions of life, however, prepare it far more for the part of a bribed tool of reactionary intrigue." (P. 20.)

"All previous historical movements were movements of minorities, or in the interest of minorities. The (new) proletarian movement is the self-conscious, independent movement of the immense majority, in the interests of the immense majority . . . In form, the struggle of the proletariat with the bourgeoisie is at first a national struggle. The proletariat of each country must, of course, first of all, settle matters with its own bourgeoisie." (P. 20.) As conditions of labor worsen, "it becomes evident that the bourgeoisie is unfit any longer to be the ruling class in society . . . It is unfit to rule because it is incompetent to assure an existence to its slave within his slavery, because it can-

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

not help letting him sink into such a state, that it has to feed him, instead of being fed by him." (P. 21.)

Part II discusses the relation of Communists to proletarians:

"The Communists do not form a separate party opposed to the working class parties . . . They have no interests separate and apart from those of the working class as a whole . . . They do not set up any sectarian principles of their own, by which to shape and mould the proletarian movement." (P. 22) "Communists are distinguished from other working class parties by this only:

(1) In the national struggles of the proletarians of the different countries, they point out and bring to the front the [258] common interests of the proletariat, independently of all nationality.

(2) In the various stages of development which the struggle of the working class has to pass through, they always and everywhere represent the interest of the movement as a whole . . . (They have the) advantage of clearly understanding the line of march, the conditions, and the ultimate general results of the proletarian movement." (P. 22.)

"The immediate aim of the Communists is the same as that of all the other proletarian

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

parties; formation of the proletariat into a class, overthrow of the bourgeois supremacy, conquest of political power by the proletariat." (P. 22.)

"The theoretical conclusions of the Communists . . . merely express, in general terms, the actual relations springing from an existing class struggle from a historical movement going on under our eyes." (P. 23.)

"The distinguishing feature of Communism is not the abolition of property generally, but the abolition of bourgeois property." (French Revolution abolished feudal property.) This has nothing to do with personal property.

"The first step in the revolution by the working class, is to raise the proletariat to the position of ruling class, to establish democracy. The proletariat will use its political supremacy to wrest, by degrees, all capital from the bourgeoisie, to centralize all instruments of production in the hands of the state, i.e., of the proletariat organized as the ruling class, and to increase the total productive forces as rapidly as possible." (P. 30.)

"Of course, in the beginning, this cannot be effected except by means of despotic inroads on the rights of property, and on the conditions of bourgeois productions; by means of measures, therefore, which appear economically

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

insufficient and untenable, [259] but which, in the course of the movement, outstrip themselves, necessitate further inroads upon the old social order, and are unavoidable as a means of entirely revolutionizing the mode of production.

"These measures will, of course, be different in different countries * * * In attaining supremacy the proletariat will have swept away the conditions for the existence of class antagonisms, and will thereby have abolished its own supremacy as a class." (P. 31) "There is left an association, in which the free development of each is the condition for the free development of all."

Part III can be omitted as it deals only with the relation of Socialist and Communist literature of the period; and Part IV very briefly discusses the position of the Communists in relation to various existing opposition parties, but a few points should be quoted since they represent, I believe, certain permanent policies.

"The Communists fight for the attainment of the immediate aims, for the enforcement of momentary interests of the working class; but in the movement of the present, they also represent and take care of the future of the movement." (There follows a statement of differ-

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

ences of alliances in France, Switzerland, Poland and Germany).

"In all these movements, they bring to the front, as the leading question in each case, the property question, no matter what its degree of development at the time * * * Finally, they labor everywhere for the union and agreement of the democratic parties of all countries.

"The Communists disdain to conceal their views and aims. They openly declare that their ends can be obtained only by the forcible overthrow of all existing social conditions." (P. 44.)

"Let the ruling classes tremble at a Communist revolution. The proletarians have nothing to lose but their chains. They have a world to win. Workingmen of all countries, Unite." (P. 44.) [260]

Special Considerations of the Philosophy of Revolution:

"Long before me," Marx writes, (Letter to Weydemeyer, March 5, '52) "bourgeois historians had described the historical development of this class struggle and bourgeois economists, the economic anatomy of the classes. What I did that was new was to prove:

(1) that the existence of classes is only bound up with particular historic phases in

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

the development of production; (2) that the class struggle necessarily leads to the dictatorship of the proletariat; (3) that this dictatorship itself only constitutes the transition to the abolition of all classes and to a classless society. The revolutionary class is that class which finds itself unable to exist under the conditions a particular stage of the development of the forces of production has created, and the progress of a revolution reflects the struggles of that class in utilizing existing conditions to change the order of society in such a way that they may benefit by the new conditions of production."

Laski's Rise of Liberalism is such a picture of the rise of the bourgeoisie (capitalist class) through overcoming, first, the domination of the church, then, of the feudal barons, then, of the political aristocracy, and finally the seizure of parliamentary control. It represents a series of revolutions differing in form from period and period and place to place. There is no specific formula for revolution.

For Marx, as for the dictionary makers (New Century), revolution is a term used to denote, "A complete or marked change in something." In this general sense, in Kapital, Marx refers to the agricultural revolution, "the change of arable land into pasture land," (P. 778); the passage of modern

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

manufacture and domestic industry into modern mechanical industry (Kapital, P. 515) etc., but of course the term has also the more popular meaning, [261] as the overthrow of a form of government, or of a political or social system. From the philosophy of history, it should be clear that neither Marx nor Engels is sufficiently naive to believe that a revolution in this sense or any other can be produced by any group at will, when the conditions are not suitable, or can be avoided when conditions are right to bring it about. Just as in the dialectic of nature, it is impossible that water should freeze unless its temperature is lowered under constant conditions of pressure, or that it should not freeze if the temperature is sufficiently lowered, so "no social order is destroyed until all the production forces for which it gives scope have been developed: new and higher production relations cannot appear until the material conditions for their existence have ripened within the womb of the old social order."

"Once Engels gives a somewhat general indication of the course the revolution from capitalism to socialism is likely to take. A year before the publication of the Manifesto, Engels published in the form of questions and answers, a discussion called "The Basic Principles of Communism" (Grundsatze des Kommunismus.) As this document has not been translated, I shall have to use my own trans-

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

lation. It is to be found in the Gesamtausgabe (Volume VI, Pp. 503-522.) He is concerned with the abolition of private property, that is, of privately owned instrumentalities of production. Question 16 asks:

> "Will the abolition of private property be possible in a peaceful way?"

And the answer is:

> "It were to be wished that this could happen, and the Communists would be the last to take exception thereto. The Communists know only too well that all conspiracies are not only useless, but even harmful. They know too well that revolutions are not made [262] arbitrarily and to order, but that everywhere and at all times, they were the necessary consequences which are entirely independent of the will and control of particular parties and whole classes. They also see, however, that the development of the proletariat in almost all civilized lands is forcibly suppressed, and that in this way the opponents of the Communists are making with all their might for a revolution. Should the oppressed proletariat be in this way driven finally to a revolution, then we Communists will defend the cause of the proletarians just as well with deeds as we now do with words."

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

On this issue, Marx later comments (Amsterdam speech of 1872:)

> "Of course, it must not be supposed to imply that the means to this end (the establishment of a new organization of labor) will be everywhere the same. We know that special regard must be paid to the institutions, customs and traditions of various lands; and we do not deny that there are certain countries, such as the United States and England in which the workers may hope to secure their ends by peaceful means."

And Engels concurs in his preface to the First English Translation of Capital, '86 (Pp. 31-32:)

> ". . . we can almost calculate the moment when the unemployed, losing patience, will take their own fate into their own hands. Surely, at such a moment, the voice ought to be heard of a man whose whole theory is the result of a lifelong study of the economic history and conditions of England, and whom that study led to the conclusion that, at least in Europe, England is the only country where the inevitable social revolution might be effected entirely by peaceful and legal means. He certainly never forgot to add that he hardly expected the English ruling classes to submit, without a 'pro-slavery rebellion,' to this peaceful and legal revolution."

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

But to recur to the Grundsatze, question 17 reads: [263]

> "Will it be possible to abolish private property at a single stroke?" And the answer is, "No; just as it has taken time to build up the productive capacities of present-day societies, it will take more time to build up the productive capacity for a communist society."

Question 18 asks: "What course of development will this revolution take?"

> "It will set up above everything else a democratic form of government and thereby directly or indirectly establish the political rule of the proletariat. Direct in England, where the proletariat already make up the majority of the people; indirectly in France and Germany, where the majority of the people are not only from the proletariat but also from the small farmers and petit bourgeoisie who are in the process of being transformed into proletarians and in their political interests are becoming more and more dependent upon the proletariat, and, therefore, must soon yield to the demands of the proletariat. This may involve a second struggle, which can only end in the victory of the proletariat. Democracy would be wholly useless to the proletariat if it cannot be used for the passing of laws which di-

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

rectly lay hold of private property and safeguard the existence of the proletariat."

There follows an enumeration of a dozen laws concerning such matters as progressive inheritance and income taxes, slum clearance, universal education at state expense, a national state banking system, and government competition with private industry, with a gradual expropriation of such industries either through competition or by taking them over with recompense to the previous owners. The concluding comment is:

"Naturally, all these laws cannot be carried through at once, but some will naturally draw others after them."

There is a condensation of this answer at the end of the [264] Manifesto (part 4) but in the preface to the edition of '72, Engels especially comments on this passage as not to be greatly stressed since such practical applications depend "on the historical conditions for the time being existing."

In the Preface to the Class Struggles in France, there are some interesting further developments of the theory of revolution:

"All revolutions up to the present day have resulted in the displacement of one definite class rule by another; all ruling classes up till now have been only minorities as against the ruled

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

mass of the people. A ruling minority was thus overthrown; another minority seized the helm of state and remodelled the state apparatus in accordance with its own interests * * *

"Even where the majority took part, it did so—whether wittingly or not—only in the service of a minority; but because of this, or simply because of the passive, unresisting attitude of the majority, this minority acquired the appearance of being the representative of the whole people.

"The German workers supplied their comrades of all countries with a new weapon, and one of the sharpest, when they showed them how to use universal suffrage.

"The Communist Manifesto had already proclaimed the winning of universal suffrage, of democracy, as one of the first and important tasks of the militant proletariat.

"The franchise has been, in the words of the French programme, 'transforme, de moyen de duperie qu'il a ete jusqu'ici, en enstrument d' emancipation'—they have transformed it from a means of deception, which it was heretofore, into an instrument of emancipation." (PP. 14, 19, 20.)

"With the successful utilization of universal suffrage, an entirely new mode of proletarian struggle came into force, and this quickly de-

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

veloped further . . . They took part in elections to [265] individual diets, to municipal councils and to industrial courts; they contested every post against the bourgeoisie in the occupation of which a sufficient part of the proletariat had its say. And so it happened that the bourgeoisie and the government came to be much more afraid of the legal than of the illegal action of the workers' party, of the results of elections than of those of rebellion.

"Rebellion in the old style, the street fight with barricades, which up to 1848 gave everywhere the final decision, was to a considerable extent obsolete.

"Let us have no illusions about it: a real victory of an insurrection over the military in street fighting, a victory as between two armies, is one of the rarest exceptions." (P. 21.)

"Does the reader now understand why the ruling classes decidedly want to bring us to where the guns shoot and the sabres slash? Why they accuse us today of cowardice, because we do not betake ourselves without more ado into the street, where we are certain of defeat in advance? Why they so earnestly implore us to play for once the part of cannon fodder?

"The gentlemen pour out their prayers and their challenges for nothing, for nothing at all. We are not so stupid.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

"If the conditions have changed in the case of war between nations, this is no less true in the case of the class struggle. The time of surprise attacks, of revolutions carried through by small conscious minorities at the head of unconscious masses, is past. Where it is a question of a complete transformation of the social organization, the masses themselves must also be in it, must themselves already have grasped what is at stake, what they are going in for with body and soul! . . . But in order that the masses may understand what is to be done, long persistent work is required, and it is just this work which we are now pursuing, [266] and with a success which drives the enemy to despair." (P. 25.)

"Even in France, the Socialists are realizing more and more that no lasting victory is possible for them, unless they first win the great masses of the people, i. e., in this case, the peasants. Slow propaganda work and parliamentary activity are being recognized here too as the most immediate tasks of the Party.

"Of course, our foreign comrades do not renounce their right to revolution. The right to revolution is, after all, the only real 'historical right,' the only right on which all modern states without exception rest." (P. 26. Engels recurs to this in 1889.)

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

"(Letter of Engels to Bebel, November 18, '84, P. 427:)

"Throughout the whole of Europe the existing political situation is the product of revolutions. The legal basis, historic right, legitimacy, have been riddled through and through a thousand times or entirely overthrown. But it is in the nature of all parties or classes which have come to power through revolution to declare that the new basis of right created by the revolution should also be unconditionally recognized and regarded as holy. The right to revolution did exist—otherwise, the present rulers would not be rightful—but from now on it must exist no more." (Cites many examples.) "Indeed no party has renounced the right to armed resistance in certain circumstances without lying. None has ever been able to relinquish his ultimate right, but once it comes to the question of discussing the circumstances for which a party reserves to itself this right . . . to require unconditional declaration of this kind from such a party (an outlawed party) is sheer absurdity. For the rest, the gentlemen can keep calm. With military conditions as they are at present we shall not start an attack as long as there is an armed force against us."

The right as here stated is nothing more than was claimed by Jefferson and Lincoln, and surely

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

they could not be accused of [267] advocating the violent overthrow of the government. The following ironic quotation supports this view:

> "It is now, almost to the year, sixteen hundred years since a dangerous party of revolt made a great commotion in the Roman Empire. It undermined religion and all the foundations of the state; it flatly denied that Caesar's will was the supreme law; it was without a fatherland, international; it spread over all countries of the Empire from Gaul to Asia, and beyond the frontiers of the empire. It had long carried on an underground agitation in secret; for a considerable time, however, it had felt itself strong enough to come out into the open. This party of revolt, who were known by the name of Christians, was also strongly represented in the army; whole legions were Christian." (P. 29, Introduction, Class Struggles in France.)
>
> "The Emperor Diocletian could no longer quietly look on while order, obedience and discipline in his army were being undermined. He intervened energetically, while there was still time. He passed an anti-socialist, I should say, anti-Christian law. The meetings of the rebels were forbidden, their meeting halls were closed or even pulled down, the Christian badges, crosses, etc., were, like the red handkerchiefs in

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Saxony, prohibited. Christians were declared incapable of holding offices in the state; they were not to be allowed even to become corporals . .. The Christians are even supposed to have burnt the Emperor's palace in Nicodemia over his head. Then the latter revenged himself by the great persecution of Christians in the year 303, according to our chronology. It was the last of its kind. And it was so effective that seventeen years later the army consisted overwhelmingly of Christians, and the succeeding autocrat of the whole Roman Empire, Constantine, called the Great by the priests, proclaimed Christianity as a state religion." (P. 29.) [268]

In the light of the philosophy of history, a "dangerous party of revolt" arises because from time to time

"in the development of productive forces there comes a state at which productive forces and means of intercourse are called into existence, which, under the existing relationships, only cause mischief, and which are no longer productive but destructive forces * * *: and connected with this a class is called forth, which has to bear all the burdens of society without enjoying its advantages, which, ousted from society, is forced into the most decided antago-

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

nism to all other classes; *a class which forms the majority of all members of society,*" (Italics mine) "and from which emanates the consciousness of the necessity of a fundamental revolution, the Communist consciousness, which may, of course, arise among the other classes too through the contemplation of the situation of this class." (Feuerbach, PP. 68, 69.)

"Both for the production on a mass scale of this Communist consciousness, and for the success of the cause itself, the alteration of men on a mass scale is necessary, an alteration which can only take place in a practical movement, a *revolution;* this revolution is necessary, therefore, not only because the ruling class cannot be overthrown in any other way, but also because the class *overthrowing* it can only in a revolution succeed in ridding itself of all the muck of ages and become fitted to found a new society." (Feuerbach, P. 69.)

"The working class cannot simply lay hold of the readymade state machinery, and wield it for its own purpose. The centralized state power with its ubiquitous organs of standing army, police, bureaucracy, clergy, and judicature—organs wrought after the plan of a systematic and hierarchic division of labor—originates from the days of absolute monarchy,

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

serving nascient middle class society as a mighty weapon in its struggle against feudalism." (The Civil War in France, P. 37.) [269]

To replace these, the proletarian revolution, as a "practical movement," prefers peace. For example:

"From the 18th of March to the entrance of the Versailles troops into Paris, the proletarian revolution remained so free from acts of violence in which the revolutions, and still more the counter-revolutions, of the 'better classes' abound, that no facts were left to its opponents to cry about but the execution of Generals Lecomte and Clement Thomas and the affair of the Place Vendome." (2 killed and 9 wounded.) (The Civil War in France, P. 32.)

Trial Examiner Landis: This is a convenient place to adjourn.

(Whereupon, at 3:55 o'clock p. m., an adjournment was taken to August 16, 1939, at 9:30 o'clock a. m.) [270]

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

August 16, 1939

HAROLD CHAPMAN BROWN

Direct Examination

(continued)

The Witness: I think I stopped at the bottom of page 38. I will begin reading with the last paragraph I read yesterday, because it connects up with page 39:

To replace these, the proletarian revolution, as a "practical movement," prefers peace, for example:

> "From the 18th of March to the entrance of the Versailles troops into Paris, the proletarian revolution remained so free from acts of violence in which the revolutions, and still more the counter-revolutions, of the 'better classes' abound, that no facts were left to its opponents to cry about, but the execution of Generals Lecomte and Clement Thomas, and the affair of the Place Vendome." (2 killed and 9 wounded.) (The Civil War in France, P. 32)

But it may meet a war of counter-revolution, after the revolt of June 1848, the bourgeoisie showed, for the first time,

> "to what insane cruelties of revenge they will resort the moment that the proletariat ventures to take its stand against them as a class apart with its own interests and demands. And yet, 1848 was only child's play compared to their

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

frenzy of 1871." (The Civil War in France, Introduction, P. 9.)

The first step is to get control of the machinery of the state:

"The anarchists put the thing upside down. They declare that the proletarian revolution must begin by doing away with the political organization of the state. But after its victory the sole organization which the proletariat finds already in existence is precisely the state. This state may require very considerable alterations before it can fulfil its new functions. But to destroy it at such a moment would be to destroy the only organism by means of which the victorious proletariat can assert its newly-conquered power, hold down its capitalist adversaries and carry out that [271] economic revolution of society without which the whole victory must end in a new defeat and in a mass slaughter of the workers similar to those after the Paris Commune." (Letter 186, April 18, '83, P. 417, to Van Patten.)

"The first act in which the state really comes forward as the representative of society as a whole—the taking possession of the means of production in the name of society—is at the same time its last independent act as a state. The interference of the state power in social relations becomes superfluous in one sphere af-

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

ter another, and then ceases of itself. The government of persons is replaced by the administration of things and the direction of the process of production. The state is not 'abolished' —it withers away." (P. 315.)

"The possibility of securing for every member of society, through social production, an existence which is not only fully sufficient from a material standpoint and becoming richer from day to day, but also guarantees to them the completely unrestricted development and exercise of their physical and mental faculties—this possibility now exists for the first time, but it does exist." (Anti-Duhring: Socialism, P. 317.)

"To carry through this world-emancipating act, of bringing this about, is the historical mission of the modern proletariat. And it is the task of scientific socialism, the theoretical expression of the proletarian movement, to establish the historical conditions and, with these, the nature of this act, and thus to bring to the consciousness of the now oppressed class the conditions and nature of the act which it is its destiny to accomplish." (P. 318.)

Jingoistic terrorism is no part of a Marxist program.

"As to Hyndman," wrote Engels to Bebel (Letter 200, March 18, '86,) "the way he came

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

out in Trafalgar Square and Hyde Park on [272] February 8 has done infinitely more harm than good. Shouting about revolution, which in France passes off harmlessly as stale stuff, is utter nonsense here among the totally unprepared masses and has the effect of scaring away the proletariat, only exciting the demoralized elements. It absolutely cannot be understood here as anything but a summons to looting, which, accordingly, followed and has brought discredit which will last a long time here, among the workers too." (P. 447.)

And Marx holds back from the initiation of violent revolt. Lenin tells us (State and Revolution, P. 179:)

"It is well known that in the autumn of 1870, a few months prior to the Commune, Marx warned the Paris workers that an attempt to overthrow the government would be the folly of despair. But when in March, 1871, a decisive battle was *forced* upon the workers and they accepted it, when the uprising had become a fact, Marx welcomed the revolution with the greatest enthusiasm, in spite of unfavorable auguries * * *"

In summary, for Marx and Engels, the process of the proletarian revolution is this:

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

(1) The conflict between the capitalistic methods of production and the relations of production produces a growing and increasingly unified proletariat through a concentration of the ownership of the instrumentalities of production in a few hands;

(2) Falling wages and increasing unemployment make the situation of this class ever more intolerable. (These points are asserted as facts, not as hopes or fears.)

(3) The majority of the people attempt to utilize democratic processes to have laws enacted for their own benefit.

(4) At this point they are likely to encounter opposition from the small section of the populace in whose hands the instruments of production are concentrated and who control the force of the state [273] (army, police, etc.) and who will resort to violence, if necessary, in order to prevent the people from attaining their ends and to perpetuate their rule. In such a situation the Marxians hold that the people have not only the right but the duty to resist such violence in order that the popular will be realized.

(5) Victory means that the majority of the people in both city and country (the workers and farmers) establish their own government—the dictatorship of the proletariat. And.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

(6) With its power established, the proletariat must reconstruct the machinery of the state to make a socialist economy function, until all men have become workers and the rule of classes is abolished with classes themselves. Then the state can "wither away." This is not the overthrow of government by force and violence, and neither Marx nor Engels ever suggested that any party, or even any minority group, could initiate or carry through this historical dialectic transformation by itself although by identifying itself with the proletariat, an understanding and active group, they believed, could furnish leadership that would shorten the way and ease the conflict necessary to attain the socialistic order of society which their philosophy of history proved to be imminent and inevitable.

> "'The Commune,' men explain, 'intends to abolish property, the basis of all civilization!' Yes, gentlemen, the Commune intends to abolish that class-property which makes the labor of the many the wealth of the few. It is aimed at the expropriation of the expropriators. It wants to make individual property a truth by transforming the means of production, land and capital, now chiefly the means of enslaving and exploiting labor, into mere instruments of free and associated labor. But this is Communism, 'impossible' Communism! Why those members of the ruling class who are intelligent enough

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

to perceive the impossibility of continuing in the [274] present system—and they are many—have become the obtrusive and full-mouthed apostles of cooperative production. If cooperative production is not to remain a sham and a snare; if it is to supersede the capitalist system; if united cooperation societies are to regulate national production upon a common plan, then taking it under their own control and putting an end to the constant anarchy and periodical convulsions which are the frivolity of capitalist production—what else, gentlemen, would it be but communism, 'possible communism'!" (The Civil War in France, P. 44.)

Leninism.

An extensive exposition of the doctrines of Leninism would add little that is vital to the purposes of this hearing, but I think it is important that I adduce citations to establish the following points:

1. Leninism is Marxism, not revised but extended to meet new conditions. Lenin writes (quoted in What is Leninism, PP. 108-110:)

"We stand squarely on the theory of Marx: it for the first time converted socialism from a utopia into a science, laid down a firm foundation for this science and marked the path to follow, developing this science further and working it out in all its divisions * * *

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

"We do not at all regard the theory of Marx as something final and untouchable; we are convinced, on the contrary, that it only laid the cornerstone of the science which socialists *ought* to promote in every direction if they do not want to trail behind life."

Stalin defines Leninism as:

"Marxism in the epoch of imperialism and of the proletarian revolution. Or, to be more exact, Leninism is the theory and tactics of the proletarian revolution in general, the theory and tactics of the dictatorship of the proletariat in particular." (Problems of Leninism, P. 18.)

[275]

Imperialism is defined as:

"Capitalism in that stage of development in which the domination of monopolies and finance capital has taken shape; in which the export of capital has acquired pronounced importance; in which the division of the world by the international trusts has begun, and in which the partition of all the territory of the earth by the greatest capitalist countries has been completed." (Lenin: Imperialism, 1916, P. 16.)

"Imperialism is monopolistic capitalism . . .

(1) Monopoly arose out of the concentration of production at a very high stage of development.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

(2) Monopolies have accelerated seizure of the most important sources of raw materials, especially for the coal and iron industry in capitalistic society.

(3) Monopoly arose out of the banks. The banks changed from modest intermediary enterprises into the monopolists of finance capital.

(4) Monopoly arose out of colonial policy . . . When the whole world had been divided up, there was inevitably ushered in a period of monopolist possession of colonies, and consequently, of particularly intense struggle for the partition and repartition of the world." (P. 111.)

"Usually, the exceptionally militant and exceptionally revolutionary character of Leninism is emphasized, and rightly so. But this peculiarity of Leninism arises from two causes: First of all, because Leninism has sprung from the proletarian revolution the imprint of which it could not fail to retain—secondly, because it grew and became strong in the clashes with the opportunism of the Second International..." (Stalin: Foundations of Leninism, P. 9.)

2. *Leninism retains the Marxist emphasis on theory and reasserts the doctrine of the unity of theory and practice.* [276]

One of Lenin's major works, the Empirio-Criticism, is a technical defense of Marxian material-

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

ism against certain pseudo-Marxians in Germany who were pressing toward Idealism under the influence of Ernst Mach and other German philosophers. It also develops the metaphysical and epistomological theory in accordance with advances that had taken place in science.

> "The role of vanguard can only be fulfilled by a party that is guided by advanced theory." (What is to be Done?, P. 28)

Theory is the root from which communism draws its vitality.

> "One of the greatest evils and misfortunes left to us by the old capitalist society is the complete isolation of books from practical life;" * * * "the mere assimilation of what is written in books about Communism would be in the highest degree wrong . . . It would be still more dangerous if we were to confine ourselves to the mere assimilation of Communist slogans." (What is Leninism? PP 69-70.)
>
> "Theory is the experience of the labor movement in all countries, taken in its general form. Of course, theory becomes immaterial if it is not connected with revolutionary practice, just as practice gropes in the dark if its path is not illumined by revolutionary theory . . . it alone, can give to the movement confidence, the power of orientation, and an understanding of the

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

inner connection between events; for it, and it alone, can help us in our practical work to discern how and in which direction classes are moving not only at the present time but also how and in which direction they will move in the near future . . . Without revolutionary theory there can be no revolutionary movement . . ." (What is to be Done? P. 28.)

3. *Lenin retains and develops the concept of the "dictatorship of the proletariat" and emphasizes the importance of democratic process as a step toward its attainment.* [277]

"The most urgent thing the workers must do, the first thing the working class must aim at, in bringing its influence to bear upon the government is to achieve *political liberty*, i. e., the guarantee by law (Constitution) that all citizens will be able directly to participate in the administration of the state; to secure for all citizens the right to assemble freely, to discuss their affairs through the medium of associations and the press. The achievement of political liberty is becoming the *'urgent task of the workers,'* because without it the workers have not, and cannot have, any influence on the affairs of the state, and for that reason must inevitably remain a degraded and voiceless class totally without rights." (Lenin, Selected Works, Vol. I, P. 491.)

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

He repeats the Marx-Engels statement that "the democratic republic is the nearest approach to the dictatorship of the proletariat," and explains that

> "literally, the word 'dictatorship' means the undivided rule of a single individual unrestricted by any laws—and autocracy, which differs from despotism only in that it is regarded, not as a permanent state institution, but as a transitory emergency measure.
>
> "The term 'dictatorship of the proletariat,' hence, is not the dictatorship of a single individual but of a *class*. This ipso facto precludes the possibility that Marx in his connection had in mind 'dictatorship' in the literal sense of the term.
>
> "He speaks in this connection not of a form of government, but of a state of things, which must necessarily arise whenever and wherever the proletariat has conquered political power." (Proletarian Revolution, P. 17.)

That is, the "state of things" would be one in which the majority, workers, could really pass and enforce laws representing their own interests.

> "The dictatorship of the proletariat cannot be complete [278] democracy, a democracy for all, for rich and poor alike; the dictatorship of the proletariat must be a state that is democratic in a new way (for the proletariat and

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

the poor in general) and dictatorial in a new way (against the bourgeoisie.)" (Foundations of Leninism, P. 51.)

In other words, it is the reverse of bourgeois democracy.

> "The whole point is that a bourgeois state, which is exercising the dictatorship of the bourgeoisie through a democratic republic, cannot confess to the people that it is serving the bourgeoisie; it cannot tell the truth, and is compelled to be hypocritical." (The Proletarian Revolution, P. 81.)

The Proletarian dictatorship does not suffer from this limitation, although, as with Marx, it "is not the end of the class struggle but its continuation in new forms" . . . for it is "a special form of class alliance between the proletariat . . . and the numerous non-proletariat strata of toilers (Petty bourgeoisie, petty proprietors, the peasantry, the intellectuals, etc.,) or their majority," (Lenin, Collected Works, Volume XXIV, Page 331.) It has still "to abolish the division of society into classes, to turn all the members of society into toilers, to eliminate all possibilities of the exploitation of man by man." (Lenin, Loc. Cit., PP. 314, 316.) In short, it has still to create a socialist society.

4. Lenin retains in essence the Marxian theory of revolution; Lenin writes in his "Left Wing Communism":

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

"The fundamental law of revolution, confirmed by all revolutions, and particularly by all three Russian revolutions in the twentieth century is as follows: It is not sufficient for revolution that the exploited and oppressed masses understand the impossibility of living in the old way and demand changes; for revolution it is necessary that the exploiters should not be able to live and rule [279] in the old way. Only when the 'lower classes' do not want the old, and when the 'upper classes' cannot continue in the old way,.then only can revolution be victorious. This truth may be expressed in other words: revolution is impossible without a national crisis affecting both the exploited and the exploiters." (Foundations of Leninism, P. 43.)

"There is, however, a new emphasis on the effects of local conditions relevant to the development of revolutionary situations: The international revolutionary movement of the proletariat does not proceed and cannot proceed evenly and in the same forms in different countries. The thorough and all-sided utilization of all possibilities in all spheres of activity comes only as a result of the class struggle of the workers of various countries. Every country contributes its own valuable original traits to

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

the general stream, but in every individual country the movement suffers from some kind of one-sidedness, from some theoretical or practical shortcoming in the individual socialist parties." (Historical Roots of Leninism, PP. 33-34.)

Also,

"the uneven development of capitalism, which became more accentuated in the period of imperialism, has given rise to a variety of types of capitalism, to different stages of ripeness of capitalism in different countries and to a variety of specific conditions of the revolutionary process. These circumstances make it historically inevitable that the proletariat will come to power by a variety of ways and degrees of rapidity; that a number of countries must pass through certain transition stages leading to the dictatorship of the proletariat and must adopt various forms of socialist construction." (Program of the Communist International, Pt. IV, Sec. 8.)

Hence, it follows that

"The main task of contemporary Communism in Western Europe and America is to acquire the ability to seek, to [280] find, to determine correctly the concrete path, or the particular turn of events that will bring the masses right

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

up to the real, decisive, last and great revolutionary struggle" Task in America and England. (Lenin, Left-Wing Communism, Volume VI, Chapters IX, X.)

I hope the substantiation of these four points is sufficient to show that the alleged "exceptionally militant and exceptionally revolutionary character of Leninism" is not a departure from the philosophy of Marx and Engels. The stages of the revolutionary process, its course and its ends are the same. But to Lenin fell the lot not only of participating in the struggles of the proletariat to attain a new social order, but of participating in the defense of that order against counter-revolution when it had been attained and in laying the foundation of the development of a socialist society. It is not surprising that these experiences added militant and revolutionary character to his thinking. But as with Marx and Engels, a revolution is still an event growing out of the dialectic of historical forces that cannot be made by any part or minority group.

Miss King: We have no questions.

Cross Examination

By Mr. Shoemaker: Q. Professor Brown, we have here a number of books which have been introduced into evidence, bearing on the matter of

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Communism. Would you mind reading those, looking those over, at least, and telling me what you have read, please?

A. Well, I have seen and read most of "The History of the Communist Party of the Soviet Union."

Trial Examiner Landis: That is Government's Exhibit No. 75.

A. (Continuing) And I have read parts of "Strategy and Tactics."

Trial Examiner Landis: Government's Exhibit No. 76.

By Mr. Shoemaker: Q. You mean, by "parts," you have only read portions of it, Professor?

A. Yes. I am not sure I did read that [281] "Strategy and Tactics" through, but if I did I read very rapidly and looked back over some parts of it. I am not sure whether I read it through or not. I haven't read "The Struggle Against Imperialist War."

Trial Examiner Landis: Government's Exhibit No. 78.

The Witness: I haven't read Browder's "Theory as a Guide to Action."

Trial Examiner Landis: Government's Exhibit No. 79.

The Witness: I have not read "Capitalist Stabilization has Ended."

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Trial Examiner Landis: Government's Exhibit No. 80.

The Witness: I have read Browder's "What is Communism?"

Trial Examiner Landis: Government's Exhibit No. 81.

The Witness: I have not read this copy of the "Party Organizer."

Trial Examiner Landis: Government's Exhibit No. 85.

The Witness: I have not read "Acceptance Speeches" by William Z. Foster and Benjamin Gitlow.

Trial Examiner Landis: Government's Exhibit No. 83.

The Witness: I have not read this number of "The Communist," but I have seen some of the copies of that magazine.

Trial Examiner Landis: Government's Exhibit No. 84.

The Witness: Nor have I read that number.

Trial Examiner Landis: Government's Exhibit No. 73.

The Witness: I have read "Manifesto of the Communist Party."

Trial Examiner Landis: Government's Exhibit No. 57.

The Witness: I have read Stalin's "Problems Leninism."

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Trial Examiner Landis: Government's Exhibit No. 77.

The Witness: I have not read Bittelman's "Milestones in the History of the Communist Party."

Trial Examiner Landis: Government's Exhibit No. 91.

The Witness: I am not sure about the pamphlet, "Foundations [282] of the Communist International." If it is in Lenin's selected works I may have read it, but I have not read it in pamphlet form.

Mr. Shoemaker: Lay it aside.

Trial Examiner Landis: Government's Exhibit No. 90.

The Witness: I have not read "The Resolutions of the Ninth Convention of the Communist Party."

Trial Examiner Landis: Government's Exhibit No. 89.

The Witness: I have not read "On the Road to Bolshevization."

Trial Examiner Landis: Government's Exhibit No. 88.

The Witness: Nor Browder's "Out of a Job."

Trial Examiner Landis: Government's Exhibit No. 93.

The Witness: Or "The Working Class against the Capitalist Class."

Trial Examiner Landis: Government's Exhibit No. 92.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

The Witness: I don't think I have read "The Program of the Communist International."

Trial Examiner Landis: Government's Exhibit No. 58.

The Witness: I have read "The Foundations of Leninism."

Trial Examiner Landis: Government's Exhibit No. 71.

The Witness: I have read "A Letter to American Workers," by Lenin

Trial Examiner Landis: Government's Exhibit No. 72.

The Witness: I have not read this "Party Organizer."

Trial Examiner Landis: Government's Exhibit No. 70.

The Witness: I have not read this Olgin's "Why Communism?"

Trial Examiner Landis: Government's Exhibit No. 69.

The Witness: I have not read Bittelman, "The Communist Party in Action."

Trial Examiner Landis: Government's Exhibit No. 68.

The Witness: Nor have I read this other "Party Organizer." Perhaps I should give the dates of those? [283]

Trial Examiner Landis: They are marked. This is Government's Exhibit No. 67.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

The Witness: Another one (indicating).

Trial Examiner Landis: Government's Exhibit No. 66.

The Witness: Another one (indicating).

Trial Examiner Landis: Government's Exhibit No. 65.

The Witness: Another one (indicating).

Trial Examiner Landis: Government's Exhibit No. 64.

The Witness: I have not read this "Political Education."

Trial Examiner Landis: Government's Exhibit No. 63.

The Witness: Another "Party Organizer," not read.

Trial Examiner Landis: Government's Exhibit No. 62.

The Witness: I have seen a copy of Peter's "Manual of Organization," but I don't think I have read it all.

Trial Examiner Landis: Government's Exhibit No. 61.

The Witness: I have read Lenin's "Left-Wing Communism."

Trial Examiner Landis: Government's Exhibit No. 60.

The Witness: I have read Lenin's "State and Revolution."

Trial Examiner Landis: Government's Exhibit No. 59.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

By Mr. Shoemaker: Q. Do you recall offhand, Professor, any other books that you have read on Communism?

A. Well, I have cited one other book there, in the text here—What is the name of it, anyhow? I am very bad in forgetting names of books that I have read. I could probably find the citation here. Oh, it is Jackson's Dialectics, and I have read——

Q. (Interrupting) Do you regard yourself—Pardon me.

A. Pardon me. I have read a book published by Howard Selsam last year in New York, "Philosophy for Modern Man." It is a Communist—at least, it is a Marxian introduction of philosophy. And I have read—No: "Philosophy of Modern Man" is Leve, an English one; and "What is Philosophy?" is by Salsam. [284]

Q. Do you recall any other offhand?

A. Well, I have read a good deal more of the works of Lenin that I mentioned here, and of course I read a good many more books of Marx than I mentioned here.

Q. I take it that you regard yourself as an expert on Communism as well as Marxism; is that correct?

A. It depends on what you mean, and this——

Q. (Interrupting) Well, I mean—Do you want me to explain what I mean? A. Yes, sir.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. Or do you want to go ahead?

A. I don't care; whatever you prefer.

Q. An expert, as I understand it, in the questions that I propounded dealt with a person who had a particular knowledge, perhaps, in the vast majority larger than anyone else of the vast majority of people on a given subject.

A. I think I know more about Communist philosophy than most people do. I don't know as much, naturally, about strategy and tactics as a Party member would know who is engaged in active work.

Q. Do you regard yourself as knowing anything about Party tactics and strategy?

A. Only in so far as can be inferred on books like Mr. Browder's "What is Communism?", the "People's Front,"—books of that sort.

Q. Are you a Communist? A. No.

Q. Have you ever been a member of the Party?

A. No.

Q. Have you ever made application to become a member of the Party? A. No.

Q. Do you recall when you first began studying about Communism?

A. I began first in connection with the philosophy of history, as I have said, in discussions at Columbia. I began later when I found out that I was—that my students began telling me that I was moving near the dialectic materialism in my

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

philosophy of science work. I wanted to see whether they were telling me the truth on that. [285]

And for the last seven or eight years I have been doing quite a good deal.

Q. From your study of these books, do you believe that force and violence is contemplated by the Communist Party in their activities in the United States?

A. I do not believe that the Communist Party intends or has any plans to initiate force and violence.

Q. What is that based on, please?

A. Their whole philosophy of history.

Q. Is it based on any knowledge of the individuals who are members of the Communist Party?

A. Well, it would be based—for instance, Mr. Browder is a member of the Communist Party, secretary of the Communist Party of the United States, as I understand it; he has written a great deal on the democratic front, on the fight against Fascism, and is strong for democratic organization definitely, and I find nothing in Mr. Browder that indicates any effort of the Communist Party to provoke force and violence. And as secretary of the Party, I suppose that his statements are authoritative for the Party.

Q. Do you know Mr. Browder personally?

A. I have never even seen him. I have heard him over the radio.

(Testimony of William Schneiderman.)

Q. I take it, of course, you have never talked to him? A. No.

Q. Have you ever talked to any other Communists? A. Yes.

Q. Who, for instance?

A. Well, about—I knew Lincoln Steffens quite well before he died, and Lincoln Steffens was a Communist, professed to be a Communist—the paper said he was; and either at the end of winter quarter or the early spring quarter, I was asked to go over to Mills College to take part in a forum on the rights of free speech and free assembly, to which they invited a Legionnaire, they invited me from the Civil Liberties Union, they sent over to San Francisco for a representative of the Communist Party to speak on the subject. The San Francisco office sent over Mrs. [286] Gannett,—Mrs. Betty Gannett, who I understand is a state educational director; something of that sort.

Q. Do you know any others?

A. Nobody that I could say was a Communist.

Q. Did you discuss Communism with them?

A. I did somewhat, yes.

Q. Did you get their impressions as to the aims and purposes, and perhaps the tactics and strategy of the Communist Party of the United States?

A. It seemed to me entirely in accordance with the history of philosophy, such conversations I had with them.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. I take it that you would be open to conviction, if I showed you in some of the writings here that the Communist Party does believe in the overthrow of the Government by force and violence, wouldn't you?

A. If the writings are by authorized Communists, you could show that, yes.

Q. I take it that you could construe words in the ordinary acceptation of the terms as those words are used in these books?

A. And in the light of historical setting and the situation in which the statement is made.

Q. In the light of the historical setting. Well, of course, Professor, you understand that in writing this very paper here you have quoted from books and pamphlets? A. Certainly.

Q. And I take it that you have done that in the light of the setting as expressed in the various books, and the purposes and the aims of the Communist Party? A. Exactly.

Q. Is that correct? A. Exactly.

Q. Well, during the course of the examination I shall show you a few words and I shall ask you to express your views in regard to them in the light of that setting that you state exists. Now, if I understand it, from the first portion of your pamphlet here, or article—whichever you want to call it—it does not express your personal views?

A. No.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. You have treated it objectively entirely?

A. Yes. [287]

Q. And yet, I take it, in the conclusion, that you are endeavoring to show something that admits of no doubt; is that correct?

A. No doubt as following from what goes before.

Q. In so far as it goes before, considering the quotations that are in this article? A. Yes.

Q. You said a minute ago that you were not a member of the Communist Party?

A. Correct.

Q. Have you ever been affiliated with the Communist Party? A. No.

Q. Have you ever been connected with the Communist Party in any way?

A. No, not that I know of.

Q. Well, if you had been you would know it, wouldn't you? A. I probably would.

Q. There couldn't be any doubt in your mind about that?

A. Well, I will answer in this way: that there are organizations that I belong to which are said to have some Communist members working in the organization, but whether they have or not I don't know. If you mean that is working with the Communist Party I may have; I don't know.

Q. How frequently has that been done, as far as you know? A. Has what been done?

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. Working with the Communist Party?

A. I don't know. They never appeared in any such fashion that I knew they were Communists.

Q. Did you ever work with Betty Gannett?

A. No.

Q. Did you ever work with Henry Schmidt?

A. No.

Q. Do you know Henry Schmidt?

A. I don't even know him.

Q. Did you ever work with Earl Browder on any subject? A. No.

Q. Roy Hudson? A. No.

Q. Walter Stack? A. No.

Q. Any person of that kind? A. No.

Q. Did you ever work with the Friends of the Soviet Union?

A. Never with the Friends of the Soviet Union.

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Q. Did you ever work with the Russian societies at all?

A. Yes. I am president of the American Russian Institute in San Francisco.

Q. What is that, please?

A. The American Russian Institute in San Francisco is an institution for the spreading of cultural knowledge about Russia in this country. We have exhibitions in the museum in San Francisco, University of California, Stanford, and we have an exhibit now on Treasure Island of Russian printing.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. Do you deal at all in this connection with Communism?

A. No. It has nothing to do with political theory.

Q. Do you deal with individuals who come from Russia in that connection?

A. I have never seen individuals who came from Russia in this connection.

Q. Do you know whether Russians can come into this country without expressed permission?

A. I don't know.

Q. Have you ever been arrested?

A. No; never.

Q. Have you ever studied Communism in any manner, shape or form, other than in the printed or written word?

A. I don't know how you could quite do it otherwise.

Q. By contact with the individuals?

A. I have had no such contact with individuals.

Q. Then your entire knowledge of the Communist program, or the Marxian program—and when I refer to the Communist program I mean the Marxian program as well—is entirely gained from your study of the written word, written and printed word?

A. If one includes newspapers too, because there are sometimes Communist newspapers that give accounts of events that naturally one looks at from that point of view. I have done that.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. Do you take any Communist newspapers?

A. No.

Q. Do you take the People's World?

A. Yes, I take the People's World.

Q. Do you take any other papers?

A. Newspapers—the Chronicle, the Palo Alto Times. [289]

Q. I mean Communist newspapers?

A. No.

Q. Naturally I wouldn't be concerned with metropolitan papers you take. How long have you taken the People's World?

A. Oh, two or three years.

Q. It is delivered at your home, I take it?

A. Yes, sir.

Q. Do you take any other Communist newspapers at all? A. No.

Q. Do you take any other periodicals, magazines, or anything of that nature, touching on Communism?

A. Yes. I take the New Masses.

Q. Any others? A. No.

Q. How long have you taken the New Masses?

A. I have taken the New Masses—it was the old Masses—since Max Eastman put it out. I have taken it since before the War. It lapsed for a while and it came to life as the New Masses.

Q. You have continued to take it, I assume, since that time continuously?

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

A. Practically continuously. I may have missed a year. Occasionally, if I am away for a year, I let my subscription lapse for that year. I think I have had it practically continuously.

Q. You have been in pretty close touch with the Communist movement, haven't you, generally speaking?

A. I have followed it from the papers, and from such books and magazines as I have mentioned.

Q. Do you have any knowledge as to whether or not the Communist Party would, in their own language, put out a front and then use their theories as a blind to cover up their practices?

A. I shouldn't suppose they would. I have always thought—my impression has been that they had nothing to conceal. Certainly I should think in the bookstores that I have seen there sufficient material to anyone who wants wants it. If that is a front for something else I don't know what it is at all.

Q. Do you believe that the philosophy of Lenin or Communism should take over in the United States to the exclusion of our democratic institutions?

A. I don't know what you mean by the "Philosophy taking over." [290]

Q. Do you think that the philosophy of the Soviet Union is better than the philosophy of the democratic principle?

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

A. I couldn't make that statement; no. The philosophy of Leninism, as it has been attributed, is a democracy of democratic philosophy too. I am not sure there is the opposition there that was in your mind.

Q. That is as you interpret it?

A. Yes, sir; and as I presented it.

Q. There are no trick questions here in any form. I don't want you to think there are. I do not have any idea of presenting trick questions. What principles or theories, so far as Leninism is concerned, would you advocate for adoption in the United States?

Trial Examiner Landis: Just a moment. The testimony of the Professor, with reference to his interpretation of the views of Marxian views, his understanding of what they mean, is one thing. But it seems to me that your examination is with reference to the personal belief of the Professor, which he has not testified to.

Mr. Shoemaker: One could hardly get the impression, if your Honor please, after reading the last four subjects, as expressed here in this book, in this pamphlet, or this article, that Professor Brown doesn't have some views with regard to philosophy, and perhaps to theories which might be considered of advantage to the United States, and I don't see any reason why I shouldn't ask the question under those circumstances.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Trial Examiner Landis: I am wondering what the purpose of this hearing is, whether it is to try the Professor for his——

Mr. Shoemaker (Interrupting): The Professor has been qualified as an expert. All right. I want to know what he knows about Communism.

Trial Examiner Landis: You are asking him about his personal beliefs.

Mr. Shoemaker: Exactly. I think I have to do that in order to find out what he knows about Communism. [291]

Trial Examiner Landis: He might be an authority on Communism and still be a good American citizen.

Mr. Shoemaker: I think that is the basis for the questions which will afterwards be propounded.

Trial Examiner Landis: Well, I don't quite see why a man can't be an expert on Communism and yet have no sympathy with Communism as such. If, for example, your point is that he has given a prejudiced interpretation of Marxism, then I can understand that.

Mr. Shoemaker: That is exactly what I expect to bring out here, prejudice and bias. I expect to show that definitely before I get through, if I understand the meaning of words. I think I do. That is what I want to bring out. That is, not just as to what I think, but as to whether you think it, and I think I can show it before I get through pretty well.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Trial Examiner Landis: I am interested in the relevancy of your line of questioning.

Mr. Shoemaker: If you think I am wrong, you stop me and I won't raise the slightest objection to that.

Trial Examiner Landis: Proceed.

By Mr. Shoemaker: Q. Do you know or believe that Stalinism is anything different from Leninism?

A. I know that in Communist theory Stalinism is concerned with the theory of the development of socialism under the dictatorship of the proletariat.

Q. Do you think that Stalinism is any different from Leninism?

A. No, not in basic theory.

Q. Stalinism is a follow-through, as you see it?

A. A follow-through. That is, new conditions raise new problems. There were problems before the Russian Revolution, problems during the Revolutionary period, and problems since the Revolutionary period. Those matters have been considered in the Institute that I spoke of.

Q. I take it, in your study of Communism, or Marxism, that you [292] have related it very carefully to the labor union movement, haven't you?

A. No; I have not, in only a very general sense, that the organization of labor is an obvious consequence.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. In other words, that the first approach, or the first vehicle through which the Communist Party moves is through the labor union, is that correct?

A. Through the development of organized labor, I should imagine.

Q. Do you think a man could be a good union man in the American labor movement because he does not believe in democracy?

A. If he does not believe in democracy; no.

Q. I think you said that you read "The Problems of Leninism." Will you read there on pages 19, 20, 22—read it out loud, if you will, please?

A. Do you want just from here (indicating), from the top of the page?

Q. That will be sufficient.

A. (Reading):

> "International imperialism, with all the might of its capital and its highly organized military technique, which represents a real force, a real fortress of international capital, could under no circumstances, under no possible conditions, live side by side with the Soviet Republic, both because of its objective situation and because of the economic interests of the capitalist class which was incorporated in it, it could not do this because of commercial ties and of international financial relationships. A conflict is inevitable. This is the greatest dif-

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

ficulty of the Russia Revolution, its greatest historical problem: the necessity to solve international problems, the necessity to call forth the world revolution.

"Such is the inner character and the basic idea of the proletarian revolution.

"Can such a radical transformation of the old bourgeois system of society be achieved without a violent revolution, without the [293] dictatorship of the proletariat?

"Obviously not. To think that such a revolution can be carried out peacefully within the framework of bourgeois democracy, which is adapted to the domination of the bourgeoisie, means one of two things. It means either madness and the loss of normal human understanding, or else an open and gross repudiation of the proletarian revolution.

"It is necessary to insist on this all the more strongly, all the more categorically, since we are dealing with the proletarian revolution which has for the time being triumphed in only one country, a country surrounded by hostile capitalist countries, a country the bourgeoisie of which cannot fail to receive the support of international capital.

"That is why Lenin states that '* * * the liberation of the oppressed class is impossible, only without a violent revolution, but also with-

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

out the destruction of the apparatus of state power, which is created by the ruling class.' "

That is the part you wanted me to read.

Q. Now, 22, please, Professor?

A. Page 22?

Q. Yes.

A. "Replying to those who confuse the dictatorship of the proletariat with 'popular,' 'elected' and 'non-class' government, Lenin states:

" 'The class which has seized political power has done so conscious of the fact that it has seized power alone. This is implicit in the concept of the dictatorship of the proletariat. This concept has meaning only when one class knows that it alone takes political power into its own hands and does not deceive either itself or others by talk about popular, elected government, sanctified by the whole people.' "

Q. After reading that, do you believe that a Communist, or a good [294] Communist, can be a good union man?

A. I don't see why not. As I understand it, that says in Russia, where you have got the situation of developing a socialist state in the midst of hostile capitalist states, in the first place, doesn't it?

Q. Yes.

A. Well, that doesn't mean anything that a trade unionist has to do particularly, as far as I can see.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

in overthrowing. It reiterates the idea of Marx and Lenin that the proletarian revolution, when it takes place in other countries, will involve force and violence; the "force and violence" being carefully defined by them as a resistance by a minority of a majority.

Q. Then do I——

A. (Interrupting) In taking power.

Q. Then do I understand that your conception of their view is this: that if I own property in the United States and they want it, and I don't give it up, then they are by right entitled to take it from me by force? A. No.

Q. I don't see how you can reach any other conclusion.

A. That is a very crude statement of the situation.

Q. Well, what is the——

A. (Interrupting) If, for example——

Q. What is the explanation, then?

A. I will go back to the Grundsatze that I cited in my paper. If a majority of workers in this country, or a majority of the population, should enact laws which by progressive income taxes, or by taking over industries by the government, following those things, and against whom they enacted laws, the majority enacted laws under our form of government, should resist the laws enacted by the government and resist violently, then they should

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

be met with violent resistance—that is the statement.

Q. Then these words, "Can such a radical transformation of the whole bourgeois system of society be achieved without a violent revolution, without the dictatorship of the proletariat?" mean to you, as I understand it, just this—and I don't want to [295] put words in your mouth; I just want to get your construction——

A. That is all right.

Q. ——that as long as the Communist Party is in the minority, they have a perfect right to work in the interests of the Communist Party, but violent revolution is inevitable and can't be avoided if they don't get what they want?

A. No; that wasn't what I said at all.

Q. All right. Then——

A. It is not quite the theory. I am only speaking from according to theory. It is not what I believe; it is according to theory. What is stated is very definitely that if a democratic majority—and you will notice all through Marx and Lenin, they do not expect the Communist Party by itself to do anything; they expect the Communist Party, by mingling with the workers, to get their sympathy, and in sympathizing with them they have a majority—and if the majority enacts laws and a minority resists those laws that are enacted—those laws that are enacted become the laws of the state, remember;

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

and if the minority resists them they are resisting by illegal means, and turning agencies of military or police against them by the majority is, they would say, an activity which is called for. They also say that the lesson of history is that if a majority stop doing that kind of thing, they will be resisted by the minority. That is part of the belief of Marx and Engels, in the Marx-Engels interpretation of history.

Q. Then do I understand it correctly that they are talking about a condition of society when the Communists have got to be in a majority entirely; is that correct?

A. Yes. I think I have here a little Lenin pamphlet that has a statement on that, that might be a pertinent case. Do you want me to read it? May I read this little statement?

Q. Go right ahead.

A. This is a little statement of Lenin's, [296] "On the Eve of October." This shows, at least in Leninism, the importance felt of having a majority with you. He says:

> "To be successful, the uprising must be based not on a conspiracy, not on a party, but on the advanced class. This is the first point. The uprising must be based on the revolutionary upsurge of the people. This is the second point. The uprising must be based on the crucial point in the history of the maturing revolution.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

when the activity of the vanguard of the people is at its height, when the vacillations in the ranks of the enemies, and in the ranks of the weak, half-hearted, undecided friends of the revolution are at their highest point. This is the third point. It is in pointing out these three conditions as the way of approaching the question of an uprising, that Marxism differs from Blanquism."

August Blanqui was a teacher of work by conspiracy and revolution.

"But once these conditions exist, then to refuse to treat the uprising as an art means to betray Marxism and the revolution."

Then he comes out with the particular situation in Russia:

"To show why this very moment must be recognized as the one when it is obligatory for the Party to recognize the uprising as placed on the order of the day by the course of objective events, and to treat uprising as an art—to show this, it will perhaps be best to use the method of comparison and to draw a parallel between July 16-17 and the September Days.

"On July 16-17 it was possible, without trespassing against the truth, to put the question thus: It would have been more proper to take power, since our enemies would anyway accuse

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

us of revolt and treat us as rebels. This, however, did not warrant a decision to take power at that time, because there were still lacking the objective conditions for a victorious uprising. [297]

"First, we did not yet have behind us the class that is the vanguard of the revolution. We did not yet have a majority among the workers and the soldiers of the capitals. Now we have a majority in both soviets. It was created only by the history of July and August, by the experience of ruthless punishment meted out to the Bolsheviks, and by the experience of the Kornilov affair.

"Secondly, at that tmie there was no general revolutionary upsurge of the people. Now there is, after the Kornilov affair. This is proven by the situation in the provinces and by the seizure of power by the soviets in many localities.

"At that time there were no vacillations on a serious, general, political scale among our enemies and among the undecided petty bourgeoisie. Now the vacillations are enormous; our main enemy, the imperialism of the Allies and of the world (for the 'Allies' are at the head of world imperialism), has *become* to vacillate between war to a victory and a separate peace against Russia. Our petty bourgeois

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

democrats, having obviously lost their majority among the people, have begun to vacillate enormously, rejecting a bloc, i. e., a coalition with the Cadets.

"This is why an uprising on July 16-17 would have been an error: We would not have retained power either physically or politically. Not physically, in spite of the fact that at certain moments Petrograd was in our hands, because our workers and soldiers would not have fought and died at that time for the sake of holding Petrograd; at that time people had not yet become so 'brutalized'; there was not in existence such a burning hatred both towards the Kerenskys and towards the Tseretelis and Chernovs——"

Q. Will you pardon me a minute, Professor? If you are going to read much longer, I will offer it for the record.

A. No; that covers that point. I will tell you the only point I am making there is that at that particular, crucial time, the action was not possible because a majority was not behind them, [298] and you have got to wait for a majority.

Q. All right. Let me read a portion of this on page 20:

"First let the majority of the population, while private property is still maintained, that is while the power and oppression of capital

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

are maintained, declare itself for the party of the proletariat. Only then can it, and should it, take power. That is what is said by petty bourgeois democrats who call themselves 'socialists' but are really the henchmen of the bourgeoisie.

"But we say: Let the revolutionary proletariat first overthrow the bourgeoisie, break the yoke of capital, break up the bourgeois state apparatus. Then the victorious proletariat will speedily gain the sympathy and support of the majority of the toiling non-proletarian masses by satisfying their wants at the expense of the exploiters."

You are not contending that, in view of what is said, what "we" say, that the majority must have obtained before the proletariats take over, are you? A. Yes.

Q. I don't see—I guess I don't understand it.

A. As I understand it. Perhaps I missed your quotation.

Q. But what "we" say, that is, in the "Problems of Leninism——" A. Yes.

Q. "But we say: Let the revolutionary proletariat first overthrow the bourgeoisie."

A. Yes. Now, that overthrow——

Q. (Interrupting) One moment. "Break the yoke of capital——" A. All right.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. "Break up the bourgeois state apparatus."

A. That might be through the enactment of laws, however.

Q. What is that?

A. That might be through the enactment of laws, however, as a democratic majority.

Q. All right, we will come to that in just a minute too. [299]

> "Then the victorious proletariat will speedily gain the sympathy and support of the majority of the toiling non-proletarian masses by satisfying their wants at the expense of the exploiters."

A. Yes.

Q. Certainly the majority are not, then, at that stage, when they break the yoke of capital, when they throw off the bourgeoisie, the persons in predominance; it is——

A. (Interrupting) How else could they do it in a democratic country?

Q. How do they do it in any country? How do they do it in Russia? You are not contending here that the majority, for instance, took over the Russian government at that time?

A. The point was made that until a majority rule, they couldn't take over really.

Q. I maintain to the contrary; that that is exactly what has happened.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

A. You see, you have in Russia—I am not an expert in Russian history, but you have the situation of a bad breakdown because the defeated armies were not paid and not fed, soldiers were deserting from the armies, the peasants were ready to fight for land; when those forces came together they really made a majority.

Q. Well, let us read on just a little bit, if you don't mind, because I think I can bring it home a little closer to you. In order to win the majority of the population to its side, Lenin continues, the proletariat must first of all overthrow the bourgeoisie and seize state power and, secondly, it must introduce soviet rule, smash to pieces the old state apparatus, and thus at one blow undermine the rule, authority and influence of the bourgeoisie and of the petty bourgeoisie compromisers in the ranks of the non-proletarian toiling masses.

> "Thirdly, the proletariat must completely and finally destroy the influence of the bourgeoisie and of the petty bourgeois compromisers among the majority of the non-proletarian toiling masses by the revolutionary satisfaction of their economic needs at the [300] expense of the exploiters."

Do you still think, in view of that, that the proletariat or the people who seize—and note the word "seize"—— A. Yes.

Q. ——state power, are the majority of the people?

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

A. I should have to know the specific situation of that thing a little bit more fully, I am afraid, before I can answer that. In accordance to the philosophy it should be an effective majority; not necessarily the majority.

Q. All right. That is just what I am talking about. You can call it majority; I will call it minority.

> "Replying to those who confuse the dictatorship of the proletariat with 'popular', 'elected' and 'non-class' government, Lenin states:
>
> "'The class which has seized political power has done so conscious of the fact that it has seized power alone. This is implicit in the concept of the dictatorship of the prolet. riat. This concept has meaning only when one lass knows that it alone takes political power into its own hands, and does not deceive either itself or others by talk about popular, elected government, sanctified by the whole people."

Now, when he talks about a class taking over, does he mean the whole people taking over?

A. They are talking there about the conditions in Russia. Now, of course, one thesis of Marx and Engels that I tried to bring out and emphasize is that the type and character of revolution is to be different in every different country. Now, Tsarism, of course, was a very different thing to overthrow

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

or to change from what would be changed elsewhere, as it would be to change elsewhere. Of course, in a democratic government——

Q. (Interrupting) I will grant there are differences in every country, but the point I want to bring out is that in the concept of Leninism and Marxism, if you wish—after all, Leninism is only a [301] follow-through, as you say, of Marxism—that force and violence is contemplated by a minority of the population in the taking over of these things. They talk about the petty bourgeois; they don't talk about the bourgeoisie or the so-called vested interests; they don't talk about the soldiers; they don't talk about the working classes. They are talking about one class that is going to take it over, and what is that class—the proletariat?

A. Yes.

Q. And after all, the proletariat is a rather indefinable something that is open to construction according to different minds as they may view it.

A. It is pretty carefully defined by Marx and Lenin, Marx and Engels, but as far as relevance to your situation here is concerned, after the statement that the tactics of the Party would be different for every different country, the tactics in Russia at the time of the revolution have no bearing on, say, tactics of the Communist Party of the United States at the time; no relation to that whatsoever.

Q. I can't for one minute concede that, and I

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

think we will show to the contrary before we get through. Certainly in those things that I have read, the Communists don't mean a majority of the workers and the soldiers only, or a majority of the whole populace, from my viewpoint, as a prerequisite of the revolutionary situation which is to ensue.

Q. Well, a revolutionary situation, of course, rises out of the historical conflicts, as conflicts develop within the structure of the society; and that isn't made by anybody.

Q. I guess I don't get that relationship there, Professor. Will you repeat that?

A. I say, so far as revolutionary situation is concerned, as interpreted by Marx and Engels, it is the outcome of certain historical forces, historical conditions, and no one makes that situation. When it comes, it is a question of what you do in it. [302]

Q. I understand that. The statement has been made repeatedly in the books of the Communists and the books of the Communist writers, that the revolution does not just happen, that it is made; that is the point we are coming to later on.

A. This critical point is made when the situation has developed.

Q. According to the judgment of those people who are Communists solely—that is the point I want to bring to your mind—when the situation has developed, not according to the majority of the

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

people as a whole—I don't concede that, and I think that the Communist books will show just the contrary and I am going to read you some of them after a while to show you that.

A. Well, in Marx and Engels' theory, I would of course recognize it requires leadership, it requires people of skill and training to determine when a revolutionary situation is ripe, of course. That would be in line with their theory, as you would expect on the basis of their theory.

Q. Well, certainly, as I understand Leninism—and you can correct me if I am wrong, so we won't be talking at cross-purposes and maybe wasting a whole lot of words and a whole lot of time—as I understand Leninism, it is a philosophy which conceives of a nation being under the control of six or seven or eight men, possibly, or perhaps a few more, in the leading positions; and then there are on the fringe, or outside of those six or seven or eight men, who are, in fact, the dictators of this Communist practice or Communist as it exists, who have no control in the voice, so far as this central organization is concerned, of this six or seven or eight men; and then, on the outside of this 2,500 or so men, are the so-called masses. Now, is that Leninism, as you understand it.

A. No; it is not. And in the picture that was given by Webb of the structure of the Soviet Union, that is not a correct picture of the Soviet Union.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. I have been told that so many times by Communists of outstanding—— [303]

A. (Interruptnig) I wasn't told it by a Communist; I read it simply in Webb's account of the analysis of the structure of the Soviet Union.

Q. What is your construction of Leninism, so we won't be talking at cross-purposes?

A. I assume that his interpretation of Leninism, that in the Communist Party the Lenin-Stalin line is a consistent line, that Stalin has included Leninism—Stalin is in the Russian system at the present time the secretary of the central committee; if their claim is correct, it is in accordance with Marxism, and if Webb is correct in interpreting the structure of Russia it does conform to a kind of a democratic structure, and is not dictatorship as you say.

Q. As I outlined it, you mean?

A. Yes. I haven't been there, and I——

Q. (Interrupting) I just wanted to see that we weren't talking at cross-purposes. A. Yes.

Q. Do you know whether Earl Browder, for instance, before he could be a candidate for President of the United States would have to secure the approval of the Communist International?

A. I haven't any idea.

Q. I think you said you hadn't read the Constitution of the Communist International; is that correct? A. No; I have not.

Q. You have not read it?

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

A. It seems to me I have seen some parts of it quoted somewhere, but I haven't read the whole thing.

Q. Does the Communist Party, so far as your judgment goes, believe in the overthrow of capitalism?

A. It believes in the overthrow of capitalism as inevitable.

Q. Do they themselves believe in doing away with capitalism and putting Communism in its place?

A. Why, you see, your question is put in a way that I have got to make a little correction.

Q. Make it any way you want. As I told you before, there are no trick questions.

A. There is one thing I am trying to get at,— [304] the truth of this thing, as far as I can. But if you believe in a certain historical process, and if you believe—and, of course, I haven't gone into Marx's Das Kapital at all; that is a long technical thing, and I am not too much of an economist—but if capitalism involves the contradictions that Marx says it does, and if it is constantly becoming unworkable, as what follows from that, then a change is inevitable; and if the only way out is either chaos or a socialism, then the reasonable thing would be to believe in socialism and in that sense would be to believe that capitalism must go under and will go under. The question simply should be a question, I

(Testimony of William Schneiderman.)

suppose, of simply when and how—if you take that history, accept that historical interpretation, accept that conclusion—then you are left with the question of when and how; it isn't a question of whether you want it or whether you don't want it.

Q. It is a question, in the first place, of historical interpretation they give. But that is neither here nor there. I am asking you if you believe that capitalism will go down and under, and a socialism——

A. (Interrupting) Oh, I don't think my opinion or your opinion is important about that. We are interested in what the Communist philosophy says about that.

Q. I understand that. Do you believe that the Communist philosophy, or the Communist writers do say that, that capitalism is bound to go down and Communism or a socialistic state arise?

A. Yes, I think they do. The inevitability of the collapse of capitalism at some time, under some conditions, is definitely there, I should say.

Q. Do you know whether in their teachings they believe in the overthrow of the capitalistic state?

A. Well, if you believed in such a transition, I should think it would be the logical thing. I think the logical thing would be to expect the transition to occur and to want to smooth the way to it as much as possible and get over [305] the bump: again, from an interpretation of history, these dia-

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

lectic movements of rapid change haven't been very comfortable.

Q. Well, are they advocated in their teachings, expressed in their books, so far as you know?

A. Advocate what?

Q. The overthrow of capitalism.

A. I think there is a difference between advocating and predicting.

Q. Well, all right. Granted that there is, do you believe, from the reading of their books, that they have advocated the overthrow of capitalism?

A. No; I should say it was more prediction; consequently, an advocacy of assisting the process, possibly.

Trial Examiner Landis: Let us stop here for a few moments.

(Whereupon a short recess was taken, after which proceedings were resumed as follows):

Trial Examiner Landis: You may proceed.

By Mr. Shoemaker: Q. Do I understand correctly, Professor, that, according to the Marxist theory, the seed of proletarian revolution is inherent in the capitalistic system; is that correct?

A. That is correct, I think.

Q. And then the statement that the revolution doesn't just happen and must be made, means that —perhaps I had better ask you just what that means, in the light of that statement.

A. I should say it meant that when the critical

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

point of breakdown comes then the direction of the breakdown towards a socialism has to be made.

Q. It doesn't mean that the Communist Party would work toward that end, does it, as far as you can see?

A. I don't see how it would, necessarily; I don't see how it could.

Q. They just take advantage of the situation that is developed?

A. I should think that is correct.

Q. Well, if it doesn't just happen, and must be made, I just don't get that construction of the revolution which is going to ensue.

A. I thought that was just what we said; that is, if you get a [306] breakdown you might go into chaos—this is the Marxian theory, of course—and the only alternative to a breakdown is social revolution. Then it would be necessary for somebody to direct the force of that breakdown, to assume control, as is necessary to direct the process towards socialism, and then you make that revolutionary change to socialism. But you only make the direction; you have got the materials already there out of which to make it.

Q. It is only when chaos ensued that the Communist Party then will step into the picture?

A. When it is approaching, or when it is very near.

Q. Well, who would determine that,—the Communist Party?

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

A. It would be, I suppose, presumably the enlightened Marxians.

Q. They would determine that, when approaching chaos, and in view of the imminence or the possibility of chaos, that they should step in and take control; is that correct?

A. Remember the Leninism formula for revolution that I cited toward the end of my paper.

Q. Yes.

A. Well—when the ruling class can no longer govern in the old way and when the workers are no longer willing to live under the conditions which they have had to live under, then you have a revolutionary situation.

Q. And the Communists are going to judge when that time is there?

A. Yes; and they will undoubtedly direct the revolution towards the particular socialism.

Q. Suppose you were approaching that step, that condition, at any future time, and the Communist Party were in the minority, would they be justified in taking over the control?

A. Lenin says they cannot successfully do it unless they get the majority of sympathizers on their side. That is in the early statements I read from Engels. The Party, as a group, went among the workers and won their sympathies by helping them fight their problems, and so had their [307] support, when the crisis came, for them.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. Do you see any possibility, Professor, of that chaos in the near future?

A. I don't see it in the near future. I don't know much about the near future, what will happen.

Q. Say, in 30 years?

A. What would happen if we had an exhaustive world war? I don't know what would happen.

Q. Well, as you see it now, without a world war, or any other kind of a war?

A. If you had a world war, I don't know what the process would be; and I don't know at what moment the breakdown might come or what it might come from.

Q. Do you believe that the present Communist Party activities or movements in the United States, is directed towards preparing the proletariat for the day of revolution?

A. I should think that, in the light of Mr. Browder's book, "The People's Front," it is definitely taking steps to develop a people's front, which would be a prerequisite to meeting that kind of a situation.

Q. And that is true of his book, "What Is Communism?"

A. I think it is involved in that book, yes.

Q. Does the Communist Party advocate action to intensify the class struggle?

A. I am not quite sure what that would mean. If it means a strong fighting for the rights of labor,

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

or at least what labor conceives as its rights, supporting labor, if that is intensifying the struggle, the bringing out of the conflict that labor finds with capital, I would say the Communist Party would undoubtedly, I should think, do that.

Q. They are undoubtedly intensifying class struggle; is that your answer? A. In a sense.

Q. Do you think it would be possible to work out a plan whereby capital and labor could work in cooperation without having a class struggle?

A. Well, speaking from a Marxian point of view and not my own, if it is true that capital has been breaking down, that is, if the methods of production and the relations of production are [308] so in conflict that the present system cannot continue, if it is true that capitalism cannot feed a considerable portion of the people, and cannot learn to do it, then no collaboration will eventually solve the problem.

Q. Do you have any views with regard to that, yourself?

A. I am not an economist, and I am not a social historian, so I have nothing to say on that point.

Q. Do you wish to express a view on that?

A. No.

Q. Don't you think that any changes in our present capitalistic system can be made, if necessary, through an amendment of the Constitution, or by the enactment of Congress?

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

A. If the democratic process is allowed to work.

Q. Do you think the democratic process is allowed to work today?

A. Well, that is a personal opinion. If I can express a personal opinion here, I have some doubts about it sometimes.

Q. Those doubts wouldn't carry to the extent of advocating, for instance, that the Communist state should be established here?

A. No. My doubt would take the form of suggesting that we ought to reelect some new assemblymen and new senators in the State of California.

Q. Suppose, for instance, a majority of the people should object to any change by amendment to the Constitution, or otherwise, would the Marxist theory envisage a peaceful solution to that situation?

A. Directly, yes; indirectly, the result would not be there. That is, if you get this breakdown of capitalism coming, and if particular interests could prevent an amendment to the Constitution that would ease the situation, and considering the position of the workers under that situation, that breakdown, and then a minority manage to keep such an amendment from being made, you probably would have violence,—as a prediction. [309]

Q. You have heard the term "Turn imperialist war into civil war," haven't you?

A. "Turn imperialist war into civil war," yes.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. Do you know what that means as applied to the Communist Party doctrine?

A. I assume it means that when you have an imperialist war, it is likely to be followed by a general social breakdown such that a revolutionary situation is produced and that civil war would be possibly the way out of that situation towards socialism.

Q. Do you regard Communism as a rule of action or merely as a concept?

A. It is definitely a guide for action.

Q. Definitely a guide for action?

A. I should say so, in light of Marx's Philosophy of History, and particularly so in Marx's and Engels' statements made at different places at different times.

Q. Do you regard Communism in any such light as, for instance, Christianity, regarding one as spiritual and the other as material?

A. I think that is a pretty far-fetched analogy.

Q. In other words, Communism doesn't offer us something which the human soul longs for or seeks; it is simply a man-made proposition that comes into being because certain individuals advocate it; is that correct?

A. No; I should not say that is quite correct.

Q. What would say is correct?

A. I would say that, in the opinion of the Marxists, it is the definite outcome of what scientific

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

knowledge shows about what the process is that is going on in the world. That is, I think the first point I made is relatively important: that materialism professes to be nothing but the use of scientific knowledge. If you extend that to social science, economics as well as natural science, say, to economics, for example, if economic science shows a certain outcome—I am not saying whether economic science is correct or not—but if this science shows a certain outcome, and they take it because it is scientific, then that isn't quite what you want.

Q. You wouldn't regard Communism as an exact science or anything of [310] that kind? It is simply a growth, isn't it? That is, in practice, it is simply the application of scientific knowledge?

A. Yes.

Q. There would be nothing exact in it?

A. There can't be, because the social sciences cannot be perfectly exact, anyhow. I do not think anyone claims economics is as exact as arithmetic, for example.

Q. If someone differed on whether or not Communism would be a good thing they would be perfectly justified? A. Yes.

Q. When you said, in your article there, that you were treating this matter objectively, do I get the proper interpretation that you were treating it with approval?

A. No—treating it independently. I am trying to look at the situation, as I think, exactly as I

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

would at the philosophy of Thomas Aquinas. He was a medieval theologian, who laid down the philosopohies of the Catholic Church, which it still sticks by, and it would be perfectly possible for me to try to analyze those philosphies, as I have this, and say what people have offered as an opinion as to what people should think consistent with them. I am trying to do the same thing with Marxism.

Q. I notice you state here, Professor, on pages 41 and 42:

> "This is not the overthrow of government by force and violence and neither Marx nor Engels ever suggested that any party, or even any minority group could initiate or carry through this historical dialectic transformation by itself although by identifying itself with the proletariat, an understanding and active group, they believed, could furnish leadership that would shorten the way and ease the conflict necessary to attain the socialistic order of society which their philosophy of history proved to be imminent and inevitable."

What does that mean?

A. It means exactly that when this revolutionary situation is produced, or occurs, then they believe that a party or an active group could furnish leadership in such a [311] period of crisis to the proletariat to direct the outcome towards socialism.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. Do you know specifically anything that Leninism has added to Marxism?

A. Why, in the sense that Leninism sharpened the concept of the Communist Party; and I think from Leninism comes the role of the Party discipline and the technical development of a party to carry on the work.

Q. You don't recall anything specific that it added to Marxism, do you?

A. Yes. There is one other addition. Lenin introduced the unequal development of capitalism in different countries and, consequently, the tendency for breakdown and revolution to come in different parts of the world at a different time.

Q. That is only the recognition of something that is obvious, isn't it? He didn't add anything, particularly?

A. Engels and Marx never emphasized that and Lenin did.

Q. Did he add anything specific, as far as you know?

A. I don't think there is a specific addition.

Q. Do you know whether or not Leninism has gone farther than Marxism?

A. Gone farther in what direction?

Q. In so far as a distinct and definite change in every way in the concept of, let us say, human relations—has he gone any farther than Marx?

A. Of course, Lenin lived in a period when the

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Russian Revolution took place and when there was an effort to start the foundation of building up of socialism, and consequently had to consider many practical problems there which Marx and Engels never met.

Q. In other words, it is simply an application of Marxism? A. I should think so.

Q. Nothing more than that; isn't that a fact?

A. I think that is a fact.

Q. Of course, you recognize that conditions have changed since Marx [312] wrote?

A. Absolutely.

Q. Are you an advocate, yourself, of Marxism?

A. No. At least, there again I don't think my personal opinions are of great importance in this situation. But I don't know quite——

Q. (Interrupting) I mean being an advocate of the points of Marxism.

A. I agree with some; some I don't; and other points I am undecided on.

Q. Taking it broadly and generally, are you in favor of the Marxist system being established and the overthrow of capitalism as we understand it?

A. Why, I think that would be a very foolish thing to be in favor of. I think the whole thing hangs in the laps—I don't know what the answer is. If the inherent construction of capitalism is such that it is breaking down that then something has to be done about it. If it is not so, then I don't know.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. Do you believe it is breaking down?

A. I don't know. I can see many symptoms which would indicate it is breaking down, and others not—I don't know the answer.

Q. Have there been, so far as you know, different groups with varying views of Marxism?

A. Yes.

Q. Do you know what they are?

A. The Kautskyites are one definite group, and the Bernstein revisionists, and there have been various other groups that have broken out. I have paid no attention to those groups here because I understood this related to Marxism.

Q. I will come to that later because I think it is very important. The mere fact that a group calls itself Marxist should not be taken as final evidence of the teachings of that particular group, in so far as your judgment goes?

A. Not the fact that the group calls itself Marxist. It might be various things.

Q. Does the dictatorship of the proletariat mean the rule of the proletariat itself?

A. It means, originally, simply the coming into power of the proletariat class as a majority. It then may use [313] its power for its own benefit and the construction of socialism. Then that means the abolition of all other classes.

Q. What do you understand is meant by the term "the dictatorship of the proletariat"?

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

A. I undestand it to mean the getting of power by the proletarian group as workers, peasants and the like, and the making of laws for their own benefit at the expense of capitalists. Then, with the dictatorship of the proletariat there, it continues until socialism is constructed, I suppose.

Q. Then what?

A. And—Lenin calls it an advance form of class struggle. Then, with the abolition of classes and the abolition of class antagonism, goes, in theory, and you have one class society.

Q. In other words, the dictatorship of the proletariat is something that attains only during a transition period? A. Yes, as I understand it.

Q. It is possible, of course, that force may be necessary? A. Yes.

Q. Under those circumstances?

A. On the whole, Marx and Engels' theory of the state is that a state always arises by the exercise of force.

Q. From your understanding of the Marxist theory, is it your understanding that the Communist Party contemplates action in the direction of a change solely by merely passive philosophical contemplation? A. Certainly not.

Q. They believe then in definite, positive action; is that right? A. Definite, positive action.

Q. Just before recess, you stated that the Communist Party predicted a revolution and did not

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

advocate it, but that the Communists might assist towards hastening it, or words to that effect; is that correct? A. Yes.

Q. You distinguish—Will you tell us how? What is the distinction between "advocacy" and "assistance," in that connection? [314]

A. Well, in the proper sense of the term, I should say that "advocacy" meant practically inciting to revolution. "Assisting" might mean, for example, in trade unions, helping trade unions organize, assisting trade unionists in winning their demands, in building up popular sympathy and, in a sense, a solidarity among workers. That would be "assisting," in the sense of preparing.

Q. What would be your definition of "advocacy," under those circumstances?

A. Getting out and saying, "Let's have a revolution."

Q. We were talking a minute ago about the different groups among Marxists. Would you tell us the difference between the one which was represented by Edward Bernstein?

A. I don't know very much about that. I haven't followed those groups. I have been interested primarily in the major trend of the philosophy.

Q. They are called today, so-called revisionist groups? A. Yes.

Q. Do you know anything about the social democrats, as represented by Kautsky?

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

A. If I recall correctly, they also went to a line of passivity.

Q. Do you know about Australian socialists?

A. No.

Q. That is represented by Otto Bauer?

A. Yes.

Q. And then the Communists, which are represented by Lenin? A. Yes.

Q. Now, the revisionist groups, Professor, do you know whether they believe in revolution or not?

A. I don't know much about them.

Q. Do you know whether this other group, these other groups, believe in revolution?

A. The Kautsky group does. I don't know about the others.

Q. Do you know whether they advocate a dictatorship of the proletariat? A. No; I don't.

Q. Do you know whether Lenin was in opposition to any of those other groups?

A. Very definitely.

Q. Why?

A. The title of the book, "Renegade Kautsky:" from that, I would say it suggests opposition. Of course, "The Imperial [315] Criticism," is a complete attack of the other social philosophy.

Q. Why was Lenin opposed to those other groups, outside of Kautsky, and the others, "Renegade Kautsky"?

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

A. He felt their methods would fail and were simply betraying the end sought.

Q. Didn't he take a view positively and without any question that the reason he was opposed to them was because they didn't advocate the overthrow of the bourgeoisie through armed revolution?

A. At the proper time.

Q. All right. But that was only the difference between the groups, wasn't it?

A. At the proper time; yes.

Q. What he regarded as the proper time?

A. Yes.

Q. Did you ever read "Evolutionary Socialism," by Edward Bernstein? A. No; I haven't.

Q. Do you know why Lenin and the other Communists attacked Bernstein so definitely and so intensely?

A. Only in so far as that general statement goes, that they felt he was betraying the end and introducing a philosophy and an attitude which would block the coming of socialism.

Q. If I should say, then, that the reason was—why Lenin and the other Communists attacked Bernstein so intensely and definitely was because Bernstein did not believe in revolution and force, would I be correct or incorrect, as far as you know?

A. That would be correct; only I would want to know about the interpretation that Lenin did believe in revolution—I would want that, as a special sense.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. Qualify it any way you wish. Do you know why the Communists attacked Bauer so definitely and so violently?

A. I am afraid I don't. I have read it, but I don't recall.

Q. Do you remember whether Bauer was a left-wing socialist or [316] a Communist?

A. I am afraid I don't.

Q. Do you know whether he agreed with Lenin in his philosophies? A. Not very much.

Q. Then, I won't ask questions on that. You knew that Lenin had directed a polemic against Kautsky; don't you?

A. Yes. I think I cited that book, didn't I?

Q. Yes, I think you have. You are familiar with it, aren't you, in a certain sense? And I will give it to you, if you want it. I mean Lenin's book on "The Proletarian Revolution and Renegade Kautsky." At this time, if you don't mind, Professor, I will offer this as one of the Government's exhibits.

Trial Examiner Landis: The book entitled "The Proletarian Revolution and Renegade Kautsky," by V. I. Lenin, offered as Government's Exhibit No. 98, is received without objection.

(Government's Exhibit No. 98 received in evidence.)

By Mr. Shoemaker: Q. I don't want to take the time to read all of this. I am wondering if I can phrase my question so as to save time. It looks al-

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

most necessary. Suppose I read portions of it to you and then ask you questions—I don't—I will withdraw my question. It is too much to read and it will take too much time. I think you said you read "State and Revolution"? A. Yes.

Q. That is Government's Exhibit No. 59 I am going to withdraw that question, too. You are familiar with the Third Communist Internationale, are you not, Professor?

A. I don't know what you mean—the document?

Q. Yes. A. I haven't read it.

Q. You know something about the Third Communist Internationale? A. Yes.

Q. Do you know any of the reasons which led to the formation of the Third Communist Internationale?

A. It was a break, wasn't it, between those in the Second Internationale over the question of [317] revolution being a necessary event and would have to be conducted by violence?

Q. Is it a fact that the Second Communist Internationale combined with the bourgeoisie and supported the world war?

A. I think it is; I am not sure, but I think it is.

Q. And didn't Lenin then declare all socialists who supported their government to be traitors?

A. I wouldn't be surprised; I don't know.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. And then there was a move for the formation of the Third Internationale, which was to lead the workers to overlook their governments; isn't that a fact?

A. That was the outcome of it, yes.

Q. Wasn't the real purpose of the Third Internationale to prepare the workers of the world for the rule of the proletariat? A. Yes.

Q. Definitely that is the case, isn't it?

A. Yes.

Q. Do you know anything about the revolutions which were led by the Communists in Hungary?

A. No; I don't.

Q. Do you know anything about the revolutions which were led in Bavaria by the Communists?

A. Practically nothing.

Q. Do you know anything about the revolutions led in Germany by the Communists?

A. No; I don't know about that.

Q. Do you know anything about the revolutions led by the Communists in Bulgaria?

A. I don't know anything of those to amount to anything.

Q. They obtained about 1919.

A. I read newspaper reports, but it has gone out of my mind. I am not a historian and did not keep those historical facts in mind.

Q. Do you know whether or not Lenin and the Third Internationale did not believe in these revo-

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

lutions at that time because they believed in a revolution which would take place generally through an armed intervention?

A. No; I don't know.

Q. You don't know anything about that?

A. No. [318]

Q. All right. Do you know anything about the left-wing groups which broke away from the Socialist Party of the United States in 1919 and organized the Communist Party?

A. I simply know that the event occurred.

Q. Do you know the cause of the split between the Socialists and the left-wingers? A. No.

Q. Does this bring anything to your recollection: That it was due to the fact that the left-wingers were preparing for revolutionary action in the United States?

A. That they accepted the philosophy of revolution would have been true, surely.

Q. You don't know very much about the arguments which were used pro and con in that discussion? A. I don't.

Q. Do you know anything about Morris Hillquit in connection with those arguments between the left-wingers and the socialists?

A. Very little. I have been badly informed about that kind of thing in this country.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. Do you know whether Morris Hillquit was attacked by the left-wingers, or the Communists, because he didn't believe in revolution?

A. I think he might have been; I don't know. I don't know the country history of that at all.

Q. Do you know Sidney Hook? A. Yes.

Q. Do you know Harry Laidler? A. No.

Q. Do you know James O'Neil? A. No.

Q. You don't know Laidler or O'Neil?

A. No.

Q. Do you know whether any of those gentlemen believe in violent revolution?

A. I don't know.

Q. Do you know any book which was written by Sidney Hook?

A. He wrote, for one thing, "From Hagel to Marx." He also wrote—he has a synopsis of Capital—A synopsis from Capital.

Q. Do you know what Laidler wrote?

A. No.

Q. You may have read his "History of Social Thought"? [319]

A. I have not read that.

Q. Do you know what James O'Neil wrote?

A. No.

Q. Do you know whether these men have been attacked by the Communist Party throughout the years and the reason?

A. I know that Sidney Hook has been attacked.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. Do you know why?

A. Introducing ideas of pragmatic tendencies. He is quite a disciple of John Dewey.

Q. Does he believe in the overthrow of government by force and violence, as far as you know?

A. I couldn't answer; I don't know.

Q. He wasn't attacked because he doesn't believe in the use of force, was he, as far as you know?

A. I don't know. I met Hook at a philosophic convention and the last time we discussed the theory of mind entirely and the theory of epistemology.

Q. Thank you for the word, Professor. Do you know why the Communists attacked Norman Thomas?

A. Why, for betraying the cause of socialism, and for going against the New Deal, for one thing; and for being unwilling to enter a united front.

Q. Do you know whether he was opposed because he doesn't believe in violent revolution?

A. That is probably true. As far as Browder was concerned, I think the attack was largely on the basis of his unwillingness to enter a united front and unwillingness to support the New Deal.

Q. Have you read "The State in Theory and Practice," by Harold J. Laski?

A. I think I read that when it first came out; yes.

Q. Have you read——

A. (Interrupting) I don't remember it clearly.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. Have you read "How to Make a Revolution," by Raymond W. Postgate? A. No.

Q. Have you read "Fabian Essays," by George Bernard Shaw, and others?

A. No. I have had the book in my hands and read parts of it, but not the whole. [320]

Q. You have read "Property or Peace," by H. N. Brailsford? A. No.

Q. Have you read "Democracy and Changing Civilization," by John A. Hobson? A. No.

Q. Have you read "Guild Socialism," by G. D. H. Cole? A. No.

Q. You don't know whether the Communist Party approves any of those books that you have seen or read, and why, do you?

A. What is that?

Q. Do you know whether the Communist Party approves or does not approve of any of those books that you have read that I mentioned?

A. I don't remember seeing any of them in such literature as I have read, mentioned as approved.

Q. Do you see any possibility of a distinction between Communism and a political theory, and the teaching of a particular group who simply claims to base their doctrine upon the philosophies of Communism as taught by Marx?

A. Well, you mean they would make the claim, claim the same philosophies that the Communist Party do?

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. That base their doctrines on the philosophy of Communism, but, as a matter of fact, this group might be entirely dissimilar from the expressions of Marx as set forth in his books.

A. It would not be an interpretation of Marx or Lenin's Communist conception?

Q. You don't see any possibility of distinguishing between such——

A. (Interrupting) That there are such groups? Oh, certainly.

Q. How would you distinguish between them, for instance, some people claiming to represent the views of Marx and advocating certain things, and other groups—let us take just the book itself: Do you see any possibility of a distinction between a group of that kind and the actual teachings as expressed in the book? A. There might be.

Q. In other words, that the group that were actually claiming to represent the philosophy or doctrines of Marx might be entirely wrong in their conception of what Marx intended?

A. There is a [321] possible question of the correct interpretation of Marx, yes; that is a question that could be raised.

Q. In your opinion, does the mere fact that a specified group calls itself "Communist" prove that there is nothing in their teachings but pure Marxism as a theory?

A. If a group just called itself "Communist," I wouldn't quite know what that meant.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. Suppose, for instance, a Communist Party of the United States called itself such, in other words, "The Communist Party of the United States"? A. Yes.

Q. Does the mere fact that it calls itself that prove that there is nothing in their teachings but pure Marxism as a theory?

A. The mere fact of calling itself that, of course, would not prove anything.

Q. Well, do you believe, for instance, that the Communist Party of the United States, so far as your experience goes, so far as your reading goes, clearly interprets and construes Marx as set forth in his writings?

A. I would say, as far as Mr. Browder's writings are concerned, that he backs most of his ideas by definite citations from Marx, which could be taken as literal interpretation of Marx.

Q. Would that hold true with regard, for instance, to some of these other men who have written these books here?

A. I don't know what other men you mean.

Q. Well, Lenin?

A. Lenin, of course, definitely claims unity with the Marxian theory.

Q. Take the "History of the Communist Party of the Soviet Union": I think you said you have read that?

A. I have read most of it.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. Does that reflect Marxism, as you understand Marxism?

A. It reflects the Lenin interpretation of Marxism, certainly, as that has been applied and used in the Soviet Union.

Q. And is that true of "Foundations of Leninism," by Josef Stalin? [322] A. Yes.

Q. And the "Problems of Leninism," by Joseph Stalin as well?

A. Those are accepted, I think.

Q. They correctly interpret or construe Marx, according to your——

A. (Interrupting) Correctly, according to the Communist Party's interpretation. I am not offering my testimony on the correct interpretation of Marx.

Q. Well, you have studied Marx, of course?

A. I have read Marx, of course.

Q. And you have read Lenin? A. Yes.

Q. And you have read Stalin? A. Yes.

Q. And all these others?

A. Yes. But if you are——

Q. (Interrupting) Just a minute, please. Do you see anything inconsistent in these constructions or these interpretations of Marxism?

A. No; it seems to be a perfectly good interpretation.

Q. In each instance?

A. Yes; but that is not saying it is the only

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

possible interpretation. It is a perfectly good interpretation.

Q. But it is, so far as your mind goes, consistent with the teachings of Marxism——

A. (Interrupting) I should think so.

Q. —as stated by Marx himself?

A. I should think so.

Q. Could you visualize a party calling itself Marxist in theory, and at the same time directly engaging in and advocating force and violence to attain the same objectives as Marxism?

A. Of course, one can imagine most anything. I don't think my imagination is worth very much.

Trial Examiner Landis: I think the point is whether or not the party advocating the overthrow of the government by force and violence would be out of line with the Marxist philosophy.

The Witness: I think it would be.

By Mr. Shoemaker: Q. According to your interpretation?

A. Yes, according to my interpretation, it would be. [323] Accordng to any reasonable interpretation.

Q. All right, sir. Again I shall read you a few of the excerpts from these books, and see whether you place the same interpretation as I do on them. Assuming that Marx did not advocate force and violence, but simply force or violence, as an inevitable result of the class struggle, how would that prove that the particular modern group known as

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

the Communist Party does not advocate force and violence?

A. That statement alone would not prove it.

Q. What would prove it?

A. You would have to know the activity and writings, expressions, of the party that called itself "Communist."

Q. And come to an understanding of the proper construction to be placed on the words of that Communist Party; is that correct? A. Yes.

Q. A mere label wouldn't mean anything to you, so far as the Party was concerned, would it?

A. What?

Q. If the party, for instance, was called the Communist Party of the United States, it wouldn't mean anything in particular to you, would it?

A. Why, the Communist Party of the United States would mean something different than the Communist Party of England or the Communist Party of Germany.

Q. Well, would you think, then, that the Communist Party of the United States were an organization representing the Communist theory, or Marxist theory, in the United States?

A. Yes, as applied to conditions in the United States; that is where the difference would be. That is the reason I made that qualification that is in line with the Marx-Engels theory. It would be the business of the Communist Party of every country

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

to analyze the situation in that country in Marxian terms.

Q. In your writings and in your—I mean, in your readings, rather, Professor, have you ever reached any conclusion as to whether or not the Communist Party of the United States is related or [324] connected in any manner, shape or form with the Communist Internationale?

A. I think it must be.

Q. What is that?

A. It must have some connection.

Q. Why?

A. The little I know about the organization, I have seen the statements of the organization,—the Party statements of th rganization.

Q. Well, do you interpret those statements to mean that the Communist Party of the United States is connected or related to the Third Internationale?

A. It would be affiliated, of course, wouldn't it? Isn't that what Mr. Browder states?

Q. Well, really, I would rather get your expression, your view, with regard to it.

A. My statement depends on my memory of his statements.

Q. Do you believe that the Third Internationale controls the Communist Party of the U. S. A.?

A. Controls?

Q. Yes. A. No; not in a full sense.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. Do you believe that the actions of the Communist Party of the U. S. A. are subject in anywise to the control of the Third Internationale?

Trial Examiner Landis: I wonder, Mr. Shoemaker, in this connection, as to whether or not it is worth while getting this witness's opinions on these points. He hasn't qualified himself as an expert in the tactics of the Communist Party.

Mr. Shoemaker: Well, our position, if your Honor please, is that they are all connected. He is a gentleman that has qualified himself as an expert, and I want to know whether my interpretation is the same as his, because, I presume, being an expert, he knows considerably more than I do, and I want to get his reaction as to what the Third Internationale has to do with the Communist Party of the United States. [325]

Trial Examiner Landis: Well, I certainly wouldn't accept his qualifications as an expert on Communist tactics and Communist organization. I don't think that particular qualification has been made.

Mr. Shoemaker: Well, the gentleman qualified himself as an expert on Marxism.

Trial Examiner Landis: Yes, on Marxist philosophy and history.

Mr. Shoemaker: And the Government's contention in that connection is this: that the Communist

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Party is definitely connected and related to the Third Internationale.

Trial Examiner Landis: I understand that.

Mr. Shoemaker: Therefore, if Leninism and these other expressions in the books here represent the true Marxist theory, then Marxism is not merely national in scope but it is international in scope and worldwide, and therefore the relationship of the Communist Party of the U. S. A. to the Third Internationale is pertinent to the Government's position and the witness should be questioned with regard to it, because he is an expert on Marxism. Now, do I make myself clear?

Trial Examiner Landis: Well, I have no question but that the Government's position, to-wit, the relationship of the Communist Party of the United States of America to the Communist Internationale is an important thing. That seems to me a problem upon which someone in the field of political science or somebody in the field having a knowledge with reference to Party organization—someone like that could best answer. Now, this man's qualification relates to philosophy, primarily the philosophy of history, and the philosophy of history as being the basis for what might be called the Marxian and Lenin guide to action, which is a broad general guide. His own admissions to the effect that he has read these books from a philosophic standpoint, and not with the idea [326] of trying to find out what

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

the Communist Party of the United States or the Internationale, or the Communist Party in Russia, what its tactics are, how it is organized, what the responsibilities of the various groups within that are—he, I think, admits no knowledge on those points. Now, I am just wondering about the worthwhileness of any answer he might make in that regard. Not that I don't say it is important for you to get answers to those questions, but my point is that this witness's answers on those points I don't believe carry much weight.

Mr. Shoemaker: Let me state my reasons for asking him, your Honor. Marxism knows no geographical limits. Marxism, as stated by the witness, is a growth; a growth in human understanding of those things which are necessary to the advancement of human beings. Now, if in one country they have something which is labeled Communism and they have in the next country something labeled as Stalinism, and they have something in another country labeled as Leninism, the position of the Government is this: that these labels account for little or nothing. We go back, then, to the primary thing that is under consideration: Marxism. This witness, again I state, has qualified himself as an expert on Marxism. Marxism is a science, he states. If Marxism is a science and, as I stated, there is no geographical limit, then, I think it is perfectly proper to show this relationship by this witness of

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Communism in this country, whatever label it may bear, to Marxism; because Marxism, again, is international in scope.

Trial Examiner Landis: I am afraid you don't get my point.

Mr. Shoemaker: Maybe I don't.

Trial Examiner Landis: Let me express it again.

Mr. Shoemaker: All right.

Trial Examiner Landis: From the standpoint of whether or not the Communist Party of the United States of America is Marxist [327] in conception, Marxist in doctrine, Marxist in approach, this witness feels competent to testify. I think he has the necessary preliminary qualification to make him an expert in that field. But when it comes down to just how the Party organization of a certain Party is set up, and the responsibility of that Party to the Third Internationale, this witness hasn't even read the Constitution of the Communist Party of this country. Now, whether or not that constitution represents the fact is something that I don't know and I wouldn't argue, but certain documentary material of that type, plus some knowledge of Communist organization in this country would be essential for this witness's answers to have any merit at all on that point. I don't want to stop you in any sense in questioning with reference to those matters——

Mr. Shoemaker: I realize that, your Honor.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Trial Examiner Landis: —in regard to those matters on which I think it is important to question, but I am just suggesting that the witness's answers on those particular points have no merit.

Mr. Shoemaker: Well, your Honor will recall that I asked him some questions back there with regard to the reasons which led to the formation of the Third Communist Internationale, and I think the Professor stated that he knew something concerning that. Well, if he knows something concerning the formation of the Third Internationale, certainly he must know something about whether or not the Communist Party of the U. S. A.——

Trial Examiner Landis: Well, I don't think he pretended to know what he does know about the organization of the Third Communist Internationale as an expert. You asked him if he knew something about it. I imagine almost anybody would know something about the organization of the Third Internationale, and I gather that the Professor's knowledge on that point is very indefinte, that in no sense was there a pretence of being an expert in that [328] field.

Mr. Shoemaker: I shall not proceed any further. I seek no advantage at all; I simply want to know what the gentleman knows, and if you think I shouldn't, I am perfectly willing to drop it. I am willing to drop that line.

Do you want to adjourn now, your Honor?

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Trial Examiner Landis: Yes, I think we might as well.

(Whereupon, at 12:05 P. M., a recess was taken until 1:30 o'clock p. m.) [329]

Afternoon Session

HAROLD CHAPMAN BROWN

recalled.

Cross Examination

(continued)

By Mr. Shoemaker: Q. Professor, I think you stated before we adjourned that you knew that there were several schools of thought with regard to Marxism? A. Yes.

Q. Or Leninism. Do you know what school of thought prevails in the Communist Party of the United States?

A. Why, I think the line I have taken prevailed. I have tried to, as far as I know, follow the line that prevails, because I thought that was the interesting thing on this occasion.

Q. As set forth in your article? A. Yes.

Q. Clearly believing that there is no force or violence contemplated by the Communist Party of the U. S. A.?

A. I would say not from Mr. Browder's writings.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. After all, that is only one expression of opinion,—Mr. Browder's writings.

A. Mr. Browder?

Q. Yes.

A. Well, I suppose that as secretary of the Party of the country that he would be expressive of their views.

Q. He is what?

A. As secretary of the Communist Party—isn't he?

Q. Yes.

A. Leader of the Party in this country, I suppose his writings would be expressive of their views. He says, I believe, in the introduction of the—in the preface to the "United Front," at the end of it:

> "This book, like its predecessors, is in a broader sense a collective product arising directly out of the work of the Central Committee of the Communist Party and its political bureau."

Q. Then, if it appeared in any of his books that force and violence might have been contemplated by the Communist Party, that would be persuasive to you, I take it?

A. It would be persuasive to me.

Q. Would you say that the present regime in the Soviet Union came [330] into power by force and violence or without force and violence?

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

A. There certainly was violence of the coming into power of the present regime.

Q. Will you tell us in what way the social and political periods of Marx and Engels differed from the existing republican monarchists' views of their period? A. Of their period?

Q. Yes—the periods of Marx and Engels. You can group them as a pair, if you wish.

A. Yes. Roughly, of course, democracy as over against the autocracy of the monarchy.

Q. Will you consider them also in connection with Germany and France?

A. Well, of course, in Germany you had the monarchy and certainly not the monarchial form of theory. In France, of course, you had what they called the bourgeoisie republic which is, again, not a proletarian republic.

Q. Do you regard——

A. (Interrupting) That distinction is very sharply drawn.

Q. You say it is sharply drawn? A. Yes.

Q. So sharply drawn that I am afraid I didn't get it. The bourgeoisie government which prevailed in France at that time was so vastly different, I take it, from what may be regarded as the democratic form of government in the United States today; is that correct?

A. I was wondering how different—Yes, there was a difference.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. Sufficient, for instance, to warrant the establishment of the Marxian theory in France?

A. The Marxian theory goes independent of the form of government existing, doesn't it?

Q. Yes. I say, would it be sufficiently different to warrant the establishment there in France of the Marxian theory of government?

A. Yes; very definitely.

Q. You think it would have been a good plan to have adopted it there in France?

A. I didn't say I think it would be a good plan. [331]

Q. I am asking you now: do you think it would be a good thing to have it adopted in France?

A. To have adopted the Marxian theory in France?

Q. Yes.

A. I don't know as I would be qualified to say whether it is a good thing or not, to adopt it.

Q. Well, do you think it would be a good thing to have adopted it in the United States at the time *of* the Marxian theories were advanced, first advanced?

A. No, no, it would be an impossible thing to do, from the Marxian theories themselves.

Q. Do you think it would be a good thing to adopt the Marxian theories of government today in the United States?

A. It couldn't be done possible. Again, by the Marxian theory itself.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. That is one of the things that we are concerned with, very much, as to whether it can be done, Professor. I think the Communists believe it can be done and are working to that end.

A. Immediately? No.

Q. Within the very near future, if that is possible to attain it.

A. Well, how near the future, of course, depends on, in the Marxian theory, what happens.

Q. So far as our experience and our investigations show, *it* wouldn't have any hesitancy in putting it into effect tomorrow, if the thought they could put it into effect. Whether or not they can is open to question.

Q. Well, of course the conditions for putting it in effect—one condition would be a development of a large part of the population or a majority who wanted it, which we haven't.

Q. You feel that we don't have that in this country now? A. Certainly not now.

Q. If either Marx or Engels advocated the establishment of the dictatorship of the proletariat, will you tell us in what manner they advised adopting it or establishing it?

A. Of course, by the [332] theory the method of establishing it in every country and every time varies. I gave the one passage from the Grundsatze, where Engels, in a general sense, states the possibility where it might come about. As far as I know,

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

that is the only statement that is not limited to special conditions, and Engels afterwards qualifies that as not a great weight because the special conditions are called for.

Q. In other words, conditions control at all times? A. Conditions control at all times.

Q. I think you have said that the writings of Marx,—they were dealing with the philosophy that has not become known as Communism; is that correct? A. Yes, I think so.

Q. And were hardly dealing with any other philosophy at all, were they?

A. Only in a critical way.

Q. I understand. You mean, by that, that in so far as the capitalistic philosophy——

A. (Interrupting) They felt the importance of a clearcut ideology and contested all philosophies that seemed to be an opposed ideology.

Q. Do you understand that there is any difference between the dictatorship of the proletarians and the dictatorship of the Communist Party?

A. Very definitely.

Q. Very definitely?

A. Yes. The proletariat is a very much larger group than the Communist Party, and as far as I know there has never been any suggestion that the Communist Party would include all the Proletariat.

Q. You think there will be such a thing as the dictatorship of the Communist Party?

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

A. I am not a seer; I can't make predictions.

Q. You certainly must have some viewpoints with regard to whether or not there will be any class distinctions after the transition period of the rule or dictatorship of the proletariat?

A. If the transition into socialism would be made, it would the very nature [333] of the case—from the very nature of the case it could not be class distinction——

Q. (Interrupting) Yes, you say "if it is." Suppose it isn't? A. Suppose it isn't made?

Q. Yes. Suppose, for instance, you had the transition period, or the so-called transition period of the dictatorship of the proletariat, and then you never came to the realization that the Communist Party then is in control or that class distinctions are levelled and there are no such things; then where do you land? You are to continue on in the dictatorship of the proletariat or not?

A. Of course, it is the object in Marx' and Engels' philosophy for the dictatorship of the proletariat to be an instrumentality for continuing class struggles until socialism is built up, when, of course, it stops.

Q. Yes, I can understand that; but suppose it isn't built up? That is what I am trying to get from you now.

A. Well, if it isn't built up, then I suppose it will go on until it did.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. Go on with the dictatorship of the proletariat? A. Until it did.

Q. Then suppose it didn't: then what?

A. Then it wouldn't.

Q. Are you to continue on with the dictatorship of the proletariat or the rule by——

A. (Interrupting) I am not predicting anything, because I don't know that the dictatorship of the proletariat will——

Q. (Interrupting) What is your opinion as to what will happen? A thing isn't always realized when it is started out to be accomplished, is it?

A. No.

Q. Well, then, it is very possible to visualize a state of society when the dictatorship of the proletariat either must continue in office or get out. In other words, the dream or the hope of the Communist Party is not going to be realized: then, where do you land? Is the class——

A. (Interrupting) If you want me to [334] falsely——

Q. (Interrupting) Is the class rule to continue?

A. If you want me to make a prediction, my prediction would be that if the dictatorship of the proletarian class will not succeed in accomplishing its purpose, it eventually would be destroyed and pass out like anything else.

Q. That is what I want to know.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

A. That is only my personal opinion, however.

Q. After all, that is all I was asking for.

A. Surely.

Q. You know there was a split in the ranks of the social democrats about 1905, during the Russian Revolution?

A. Yes, I have some vague idea of it.

Q. But you don't know——

A. (Interrupting) I don't know anything about it.

Q. Did you know that the reason for it was because there was a difference of opinion as to whether or not force and violence should be used?

A. I know there have been such differences of opinions, and they have caused splits.

Q. Do you know whether that obtained in the Russian Revolution of 1905? A. I don't know.

Q. Do you believe that the socialization of all of the means of production is possible?

A. Is possible?

Q. Yes. A. I think it is possible.

Q. Do you think it is probable?

A. I feel doubtful about it. I shouldn't like to say that. Again, "probable" is a very vague word and I am afraid of using it.

Q. Do you know what effect the writings of Joseph Stalin have on the international Communist movement?

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

A. Why, I imagine they are used as documents giving information and reporting experience, and possibly giving advice that should be considered in making any decision. [335]

Q. I think you said they were a follow-through of Leninism; is that correct? A. Yes.

Q. Do you believe that there is any subterfuge or any hidden meaning in the written works of Marx, Lenin and Stalin?

A. No; I don't, honestly.

Q. You don't believe there is any at all?

A. I don't think there is any subterfuge.

Q. Do you believe that they are susceptible of more than one construction?

A. It is almost impossible for any human being to write in such a fashion that his writings are not susceptible to more than one construction. I cannot do it myself and I have never seen anybody that could do it.

Q. Then it is possible for, let us say, the two of us to differ on what is intended by a philosophy, expressed or written, by either of these gentlemen?

A. It is possible, under some circumstances.

Q. Well, I am going to read you now from "What is Communism?" by Earl Browder, and after that I am going to ask you some questions and I wish you would listen closely.

A. I think I have a copy of it.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. Look at pages 163 and 164—Take 163 first, Professor. A. All right.

Q. It reads: "The transfer of state power from the capitalist——"

A. (Interrupting) Which paragraph?

Q. It reads: "The transfer of state power from the capitalists to the working class——"

A. (Interrupting) Page 163?

Q. I am reading from "What is Communism?"

Mr. Grossman: Probably there are several editions.

Mr. Gladstein: It may not be the beginning of a paragraph. It may be in the middle of a paragraph.

The Witness: I am looking for that paragraph. [336]

Trial Examiner Landis: How does it start?

Mr. Shoemaker: "The transfer of state power from the capitalists to the working class——" It may be that I had an older book. I made these questions up back in Washington before I left there.

The Witness: What is the chapter about?

Trial Examiner Landis: Here it is (indicating,) on page 125.

The Witness: I have it here.

By Mr. Shoemaker: Q. It reads:

> "The transfer of state power from the capitalists to the working class, which begins the social revolution, can be accomplished only un-

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

der certain conditions which have an objective existence independent of the desires of the struggling classes. There must be what we Communists call 'A revolutionary situation'."

Did you get that? A. Yes.

Q. (Continuing reading) "In this revolutionary situation, the Communist Party——"

A. (Interrupting) Where are you skipping to now?

Q. The next page in that book:

"In this revolutionary situation, the Communist Party, which has won the active support of the majority of the working class and of the decisive sections of the other exploited classes, wins some of the armed forces to its side, and leads the effective majority of the population to the seizure of state power. There can be no such first step if there is no revolutionary situation, or if the Communist Party has failed to rally the support of the majority of the population. After this first step of taking state power has been realized, the workers make use of the state power to take possession of the instruments of production."

I want to ask you now, Professor, whether you think that the revolutionary situation to which Mr. Browder refers is one wherein force and violence

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

are not contemplated, and what do you think [337] of that method of settling our problems?

A. I think that part should be continued from where you left off.

Q. I will read the whole thing if you want.

A. It is just a sentence here, if you will permit it:

> "Such a situation develops when the ruling class can no longer dominate society in the old way; when the economic system breaks down and can no longer feed the masses; when the middle classes are wavering and a considerable part have turned against the rulers; when the capitalists themselves have lost confidence in their ability to solve their own problems; and when capitalist control of the armed forces of the state has been undermined and shaken."

In that kind of a revolutionary situation you meet a phase of breakdown in which conflict is likely to ensue, and then I see nothing inconsistent with the Marxian philosophy in what follows.

Q. Don't you think force and violence are contemplated there?

A. They are predicted when that situation occurs, and they are contemplated when that situation occurs, in the sense that Mr. Browder says that situation occurs.

Q. He says it very carefully——

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

A. (Interrupting) Then force and violence will be called for and, in a sense, is contemplated or predicted, and *is* certainly an intelligent preparation should be made for the use of it under this situation; but, again, as an escape from chaos because a condition depicted there would be chaos. When the ruling class can no longer dominate the people and they cannot feed the masses, what are you going to do?

Q. Here—"After the first step of taking state power has been realized, the workers make use of the state power to take possession of the instruments of production——"

A. (Interrupting) Certainly.

Q. (Continuing) Up above it refers to "armed forces" and "seizure." A. Yes.

Q. What does "armed forces" bring to your mind?

A. Armed forces. [338]

Q. Exactly. (Laughter)

Mr. Shoemaker: That is funny, isn't it?

Q. What does "seizure" bring to your mind, the bringing along of, sweetly and gently asking for a chocolate eclair, with it? A. No.

Q. It means just what it says, doesn't it?

A. Certainly.

Q. Mr. Browder states: ". . . wins some of the armed forces to its side—" meaning the Communist Party. It doesn't say all of the armed forces, but

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

some of the armed forces. ". . . and leads the effective majority of the population to the seizure of state power.

A. Effective majority of the population; yes.

Q. Do you think Mr. Browder believes that the state power can be seized in any other manner than by force and violence?

A. He believes probably it will not be, if he follows Marx and Engels.

Q. He feels that armed forces and violence will not be used?

A. No—Ask me the question again, please.

(The question referred to was read by the reporter as above recorded.)

A. Not in that kind of a revolutionary setup.

By Mr. Shoemaker: Q. I want to go on—you have the book before you.

"All revolutions have been made with weapons which the overthrown rulers had relied on for their protection.

"History does not show a single example in which state power was transferred from one class to another by peaceful means, whether in the form of voting or some other method of formal democracy.

"Communists, despite what their enemies say, do not advocate or idealize violence. A violent struggle with the capitalists is by no means our choice or preference. We know only

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

too well the terrible price workers have to pay as a result of the violence employed by the capitalists against them every day. We would be only too delighted if the capitalists would voluntarily scrap the deadly [339] weapons which they use against the population at home, and which they are piling up in unprecedented quantities for a second world war. But we would be more than fools, we would be criminals, if we did not warn the toilers that capitalists will not peacefully submit to the dictates of history."

Do you think force and violence is contemplated by Mr. Browder?

A. That it will occur, yes; that it will occur; but not, of course, force and violence started by the Communist Party.

Q. Whether started by whomsoever, it is there as force and violence? A. Yes.

Q. Reading further: ". . . if the productive forces——"

Trial Examiner Landis: Page 129, the third paragraph.

Mr. Shoemaker: (Continuing:)

". . . if the productive forces and accumulated wealth of society are to be preserved and further developed, the property rights of the capitalists and the institutions by which they

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

are maintained must be abolished and the exploiting minority and its agents suppressed. Thus, some form of violence is unavoidable. There is no possible choice between violence and non-violence. The only choice is between the two sides of the class struggle."

Do you think force and violence is contemplated by Mr. Browder after hearing that?

A. Predicted by Mr. Browder.

Q. Do you think it is contemplated?

A. I don't think it is contemplated in the sense other than it is predicted.

Q. In other words, if Mr. Browder doesn't have his way, or if the Communist Party doesn't have its way, then we may avoid the possibility of bloodshed; is that the idea?

A. I think that is quite correct. In Marx' philosophy of history you get this kind of a situation Mr. Browder refers to. Then, as Laski would say, in his "Rise of Liberalism," in the face of what happened from the Middle Ages from the domination of the church to the feudal system, and [340] the feudal laws didn't yield, and there was established a monarchy, and if it didn't peacefully yield there was established a parliamentary government; and if the parliamentary government did not yield then to follow the same line, there would be the establishment of a socialistic government.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. Well, do you think it is reasonable to expect that they might yield under the circumstances?

A. It probably wouldn't be reasonable.

Q. Then, only force and violence is contemplated to solve the problem?

A. If the breakdown is inevitable, force and violence must follow in making the transition.

Q. It isn't any question about background; it is a question of a made proposition. They do not happen; they are made, and that has been stated and I will quote that after a while, too.

Q. Yes, made at a certain time and under situations—a revolutionary situation.

Q. Exactly. Made because the other fellow won't yield that to which he may feel he is entitled, isn't that possible,—that construction?

A. That is possible,—that construction; but of course that is also a pretty democratic construction, for when the majority passes a law in democratic government the minority has to yield. If they don't yield, they are forced to yield.

Q. That is just the point that I am getting to. That would hardly be considered in conformity with Christian ideals and customs and standards, would it?

A. It certainly is historically true, and is true in a contemporary situation. That is, if a man in America feels it is right to go and take anybody's property he wants, the law says he can't do it.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

When people do not conform to the laws of the country, the country exerts force and violence to prevent them from breaking the law, if necessary.

Q. Only when a certain condition obtains which they think warrants [341] their action?

A. Yes.

Q. But if the majority of the people think that those conditions do not obtain, and their action is not warranted, they still think they have the right to go ahead under those conditions?

A. No, for they have definitely said that they must obtain the backing of the majority.

Q. And they said they had a right to move without the majority, and then convert the majority to their view?

A. Not without the sympathy of the majority.

Q. What is that?

A. Not without the sympathy of the majority.

Q. The sympathy of the majority doesn't enter into the question. The question is: who are these people who are proceeding; are they in the majority or are they in the minority, or are they one class or more than one class?

A. The proletarian group.

Q. The proletarian group; all right. Well, even the proletarian group might not be in the majority?

A. Might not be.

Q. The petty bourgeoisie and the vested interests, for instance, might be in a majority?

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

A. They might be, yes.

Q. And possibly they are. And that is contemplated by the Communist Party, as stated in the other stuff I read to you this morning, and I think you admitted that was possible?

A. Of course, the efforts and tactics of the Communist Party as laid down by Mr. Browder is to try to win a majority.

Q. All right. But if you don't win the majority, he says there is no possible choice between force and violence——

A. (Interrupting) In the long run. In the long run, you have got to win the majority, is one of his theses.

Q. No; I don't believe that for one minute. He says that there is no possible choice between violence and non-violence; the only choice is between two sides of the class struggle, and this class struggle is bound to ensue. A. Yes. [342]

Q. And that when this condition reaches what you call chaos, or what the Communist Party might call chaos, then this individual class steps in and persuades the majority to come to their view. But they haven't yet persuaded the majority to come to their view.

A. But they haven't yet started a revolution.

Q. But they have; that is the point I am trying to bring to you; that revolutions do not happen; they are made. A. Yes.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. All right. That is——

A. (Interrupting) Made by what?

Q. Made by the persons who desire to accomplish their aims; the Communist Party, in this instance.

A. That he doesn't say. He said made by the conditions of history.

Q. Now we are coming to more things. Let us—

A. (Interrupting) Mr. Browder accepts the Marxian doctrine of the Kapital for the breakdown of capitalism.

Q. Let us go on. "There is plenty of wealth—" Have you got that? That is on page 61.

A. No; I haven't.

Trial Examiner Landis: The pagination of your excerpts seems to differ with this particular issue.

Mr. Shoemaker: I am awfully sorry about that.

The Witness: I am sorry about that.

Mr. Shoemaker: I have it on page 61.

The Witness: Let us see. Where would that be?

Mr. Shoemaker: "There is plenty of wealth in the country to pay for all of those necessary things."

Mr. Grossman: Are these marked in the books you introduced?

Mr. Shoemaker: No. They were made up by me before I ever left Washington.

The Witness: Do you have any chapter reference there?

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Mr. Shoemaker: I am sorry, Professor, I haven't. Well, just forget that one.

By Mr. Shoemaker: Q. See if you can find this one: This would [343] be about—that other was 125 against 169, wasn't it?

A. Yes; about 30 pages.

Q. Well, here I have it on page 123 of the same book. A. How does the statement start?

Q. "We Communists declare, and we have proven it by experience, that only class struggle policies can bring victories."

A. Is that all of it?

Q. No; there is a whole lot more to it there.

Trial Examiner Landis: You can listen to it.

Mr. Shoemaker: Suppose I read it to you——

The Witness: I will listen to it carefully.

By Mr. Shoemaker: Q. Well, let us go back to that other one, because I would like to get these questions in. I think they are very pertinent to this matter, but you may not think so.

A. I think they are.

Q. Mr. Browder states:

> "There is plenty of wealth in the country to pay for all of those necessary things. But all this wealth is in the hands of the rich. There is no magic formula by which it can be obtained, except by taking it away from the rich. This can be done by taxation, for which the govern-

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

ment has full power. If the government refuses to do this, then there is another way, the way pointed out by Lincoln, who declared that when the people became dissatisfied with a government, they have the inherent right to change, or overthrow it, and set up a new one which will carry out their will."

Now, I just wanted to ask you in connection with that, do you think Mr. Browder contemplates the use of force and violence there?

A. Mr. Browder is saying there pretty nearly what Lincoln and Jefferson said——

Q. (Interrupting) I didn't refer to Jefferson.

A. He is referring to what he thought he said. I think he was [344] referring to them, or what he had in mind.

Q. He says "the way pointed out by Lincoln."

A. Yes.

Q. In any event, you don't think that force and violence is contemplated there by Browder?

A. I think if you get a government that is no longer susceptible to popular will in democracy.

Q. To go on:

"We Communists declare, and we have proven it by experience, that only class struggle policies can bring victories for the workers in the day-to-day battles for immediate needs. We reject the idea that collaboration with the bosses will enable the workers to steal a few crumbs. We reject just as completely the idea

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

that the workers must suffer, their conditions must become intolerable, before they are willing to go along the path of class struggle. History has shown that it is upon the basis of these daily struggles for bread that the revolutionary movements is made strong and prepared for the giant task of overthrowing capitalism."

Do you think that he visualizes force and violence there?

A. I think that is a correct application of the Marxian doctrine of capital.

Q. It goes on then:

"It must be emphasized that capitalism will not simply come to an end; it can only be ended by the organized actions of the working class in collaboration with its allies from other sections of the population.

"The revolution does not simply happen: it must be made. This does not imply that the Communist Party 'makes' the revolution. The socialist revolution is carried out by the great masses of toilers. The Communist Party, as the vanguard of the most conscious toilers, acts as their organizer and guide. It gives the masses political awareness of their problems, a realistic program that will solve these problems: the heightened class consciousness of the workers leads them to follow the Communist Party."

[345]

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Do you think that Mr. Browder visualizes force and violence when he wrote that?

A. I think he is visualizing a definite resistance to Fascism.

Q. What is that?

A. I think he is visualizing a definite resistance to Fascism.

Q. A definite resistance?

A. To Fascism, yes.

Q. To Fascism. You think, then, that when he is working in the interests of Communism that he is working along lines which definitely are opposed to Fascism, and have no regard to the democratic institutions under which we live; is that correct?

A. The whole theory is that democratic institutions must be preserved, in order to make possible reasonable progress towards socialism. Possibly an immediate task would be, on that thesis, a resistance to Fascism and saving American institutions.

Q. Do you think you could find where he says that in any book, that the democratic process must be maintained?

A. You will find statements in all these Marxist writers, so many times, that democracy is the nearest approach to the dictatorship of the proletariat.

Q. Democracy as he construes it——

A. (Interrupting) Well, the rule of the majority; vote of the majority.

Q. And even that is open to construction?

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

A. Of course, you must get a majority among your proletariat groups, workers, of course; that is part of the theory.

Q. What do they mean when they say there that the revolution does not simply happen, it must be made? Do you think that he is talking about some peaceful affair that the Communist Party must work to an end to secure?

A. No; I think he means a crisis will develop, when you have got to take active steps in such ways as you can to prevent the advent of Fascism and to work towards the development of socialism; on the basis of his theory. [346]

Q. If Mr. Browder were a democrat and he were working along democratic lines, why would he have said, "The revolution does not simply happen; it must be made"? Why wouldn't he have said this, or something like this: "This peaceful revolution which we hope can be accomplished should be worked out through the ballot, use of the ballot, something of that kind, because, after all, all of our processes, all of our institutions can be worked in such a manner as to accomplish the good of the whole"? Why didn't he say something like that instead of talking about revolution and force?

A. Because in the light of history he doesn't hope it; he can't hope it. That is, in the Marxian interpretation of history, he can't.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. And if he doesn't hope it, he has definitely in mind there must be a revolution, and there is no hope? A. Yes.

Q. That is the idea?

A. And the revolution will involve force and violence.

Q. And we can't escape?

A. We can't escape.

Q. That is exactly what I think he means.

A. I think he means that.

Q. And he is going to help bring it about as soon as it can happen; it doesn't just happen: it must be made. On page 57 of his book, "The People's Front"—Have you got that book there, Professor?

A. Yes, I have it here. Which page?

Q. 57. Mr. Browder quotes from Lenin, and he states:

> "Lenin told us: 'We must extend the ranks of our army, transfer it from a peace to a war strength, mobilize the reservists, call up all those on furlough, organize new auxiliary corps, units and services. We must not forget that in war it is inevitable and necessary to fill the ranks with left trained recruits, very often to put rank and file soldiers in the place of officers, and to speed up and simplify the promotion of soldiers to the rank [347] of officers."

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Do you think that Mr. Browder was quoting from Lenin with approval, other than in the light of the use of force?

A. I would just like to read to myself the first paragraph, if you don't mind, to see the connection.

Q. All right; go ahead.

A. The sentence before it, I think, is important: "We are in a revolutionary epoch, which Lenin says is to the Communist Party what wartime is to an army."

This statement is, then, figurative in that respect.

Q. Figurative? A. It would mean——

Q. (Interrupting) You would not say——

A. It would mean strengthening the ranks of the Communists, gaining more members, mobilizing the people who would be sympathetic, and that sort of thing. I think it is a general figurative statement, in light of that previous statement. Lenin may have been talking militaristically; Browder is applying it, in this case, in a figurative sense.

Q. He wasn't talking figuratively when he referred to war, was he? That isn't anything figurative; that is actual?

A. Well, it says a class war. Certainly class war is war in that sense.

Q. You don't think he is talking about a class war there, do you?

A. I think Browder has that in mind. In part of the next paragraph, too, where he says:

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

"We must guide great recruitment in our beginning for new members to especially strengthen the workers in our forces."

Q. Then you think that when he talked about war and when he talked about soldiers, that he was talking figuratively and in the class war, and not of a conflict where force and violence might be used?

A. My reading of that now would be that he was considering mobilizing the resources of the Communist Party for use in the class struggle in such days as are now present and as might develop.

Q. All right, let us go on. Page 57 and 68 of "The Peoples Front."

"The democratic platform——"

Have you got that? A. Yes.

Q. "—takes a gratuitous fling at the 'despotism of Communism.' [348] It would have been the part of wisdom, not to speak of good taste, at least to be silent on this point, when the same platform complains that our American institutions are defeating the expressed will of the people, through the Supreme Court, at a moment which Communism in the Soviet Union has just proclaimed a constitution, the most democratic in all history, which guarantees to every citizen a job at union wages, with full social insurance, paid vacations and opportunity for education, leisure and culture. When

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

America, the richest country in the world, gives *it* workers half of what Communism gives in the Soviet Union, it will be time to boast."

Do you think Mr. Browder in that connection was suggesting the establishment of the practices of the Soviet Union in the United States, as opposed to our democratic institutions?

A. As an eventual outcome, yes.

Q. What is that?

A. As an eventual outcome.

Q. Now, the present, wasn't he advocating—he says it comes with poor grace at this time, when he says they have so and so and we have nothing, practically?

A. It is poor taste now to take the democratic platform to draw——

Q. (Interrupting) You construe it——

A. (Interrupting) I mean, according to his belief, there is no despotism for Communism in the Soviet Union. I don't know anything about the Soviet Union, or enough to know about the situation, but it is his belief——

Q. (Interrupting) Well, he refers to it, anyhow?

A. Yes. It is his belief definitely that the Soviet Union has the highest democracy in the world; he says that again and again.

Q. You think he is talking about the future, not of the present? A. Very definitely.

Q. All right. Let me quote from pages 113 and 114 of the "People's Front," by Mr. Browder. [349]

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

"Today a far greater crisis confronts the American people. We Communists are confident that they will meet and solve it in the same spirit the American people solved the crises of 1776 and 1861. We communists are proud that we can truly say that Communism is the Americanism of the 20th Century, that in the great struggles to come the Communist Party will carry forward with the revolutionary traditions of the past to a better and more secure life in the present, and to a future of peace, freedom, happiness and prosperity for all."

Do you think Mr. Browder was talking there about a peaceful revolution, in view of his reference to 1776 and 1861?

A. No; he was referring—I read the previous paragraph—to the fight against the reaction of the American people, and he is anticipating the reaction going to the point of moving toward Fascism, and the development of resistance of the American people against Fascism to preserve democratic rights. That may be correct or incorrect, but it is an interpretation of the contemporary situation in America.

Q. You think, then, that Mr. Browder was building up some kind of a party on the other side of the fence, or around the corner of the fence, as distinguished from the democratic side as the average American regards it in opposition to the Communist Party; is that the idea?

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

A. I think he was developing—wants to develop a democratic front to meet Fascism and to go to any limits to prevent Fascism from coming to America.

Q. Do you think, then, that the Communist policy is the democratic front?

A. I think the Communist policy is to unite in a democratic front against Fascism.

Q. You think, then, that the question of Fascism is the controlling thing in the philosophy or in the understanding of Mr. Browder, when he refers to Communism; is that the idea?

A. It [350] seems to me in Mr. Browder's radio speeches, some of which I have heard at election time——

Q. (Interrupting) But in this connection, Professor——

A. (Interrupting) —in election time, he also had the slogan, "A choice of Fascism over Democracy." I think it is part of that same policy.

Q. Then, you think that is what he is referring to,—Fascism,—and not our American democracy?

A. I do.

Q. On page 141, Mr. Browder states:

> "Everyone recognized that the Communist party was an exceptionally effective striking force precisely because of its conviction and clarity, its drive and units. That is another of the hallmarks of Bolshevism.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

"Can anyone deny that in this campaign the Communist Party broke through and smashed the legend of our enemies that our party is something foreign, imported from abroad, not organically a part of the American political scene? No one can deny that we thoroughly established our party as an American party, that our slogan—'Communism is 20th Century Americanism'—registered deeply with the American people. This was a great achievement. This is also a sign of Bolshevism."

Do you believe that the Communist Party is 20th Century Americanism, or wasn't he just vaporing?

A. He was referring, of course, there, to the elections and the support of the democratic body in the elections as against the Republican Party, which, again, he believed to be Fascist; and he believes Americanism to persist against Fascism. Now, whether you call that 20th Century Americanism or not—that is a slogan.

Q. I think you stated a while ago as to whether you had any impression as to whether that 20th Century Americanism would be a good thing for the United States, didn't you? You had your doubts, [351] I think you said, didn't you?

A. Americanism is a good thing for us.

Q. Oh, yes, absolutely; but this 20th Century Americanism of Earl Browder's?

A. I would say a democracy is a good thing for the United States.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. Would you say Communism is a good thing for the United States?

A. If Communism is honestly supporting democracy and in support of the democratic front, it would be a good adjunct.

Q. I think we all would think that, without doubt. But we say that Communism doesn't support democracy. We say that Communism goes down a strange alley, an alley inconsistent with our American ideals, heritage and customs; that is what we are trying to find out.

A. I know that is said; but I don't think that is consistent with Mr. Browder's statements.

Q. I don't see anything consistent in Mr. Browder's statement that his 20th Century Americanism, in the light of what has been read to you before and what will be read to you hereafter, as I believe you, after a while, will admit, anyhow. Let us go on. "A Letter to American Workers." Is that in the exhibits?

Trial Examiner Landis: That is one of the exhibits; that is Lenin's letter.

Mr. Shoemaker: Yes.

Q. Page 15, Professor. "He is no revolutionist—" Do you find it? A. Page 15?

Q. Yes, sir. A. Yes.

Q. "He is no revolutionist who would 'permit' the proletarian revolution only under the 'condition' that it proceed easily, smoothly, with

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

the coordinated and simultaneous action of the proletarians of different countries and with a guarantee beforehand against defeat; that the revolution go forward along the broad, free, direct path to victory, without the necessity sometimes of making the [352] greatest sacrifices of 'being in wait in beseiged fortresses,' or climbing along the narrowest, most impassible, winding, dangerous mountain roads—he has not yet freed himself from the pedantry of bourgeois intellectualism, he will fall back again and again into the camp of the counter-revolutionary bourgeoisie."

Would you give me your construction of that?

A. Well, of course, this is Lenin writing to American workers, isn't it?

Q. Yes, sir.

A. Yes; and of course he is pointing out things from his point of view. Now, the phrase "Permit the proletarian revolution only under the condition that it proceed easily, smoothly," is of course simply to expect things to happen without doing anything; it would be along the line of the other wing of the Leftist Section, that we spoke of this morning there; that of course Lenin's own doctrine of different developments in different countries means, of course, you couldn't have coordinate and simultaneous actions of proletarians in different countries.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

And of course, there can never be a guarantee beforehand against defeat. I think that is all consistent with the Marxian philosophy.

Q. What do you think he means when he says "has not freed himself from the pedantry of bourbeois intellectualism"?

A. I am very sure that phrase means—that is part of the philosophy; that means very definitely that he doesn't cling to a set of concepts of priori, but would expect to derive concepts from experience.

Q. In other words, don't be intellectual and think you can accomplish anything?

A. No; but don't let your concepts be frozen; but recheck by experience, in the light of experience. That is what that phrase means.

Q. Let me read you some more from that same book, on page 16: "Generally speaking, such 'accusers' limit themselves—" Did you get that?

A. Yes. [353]

Q. "—to a verbal recognition even when they do 'recognize' the class struggle, but in deeds they revert again and again to the Philistine Utopia of 'conciliation' and 'collaboration' of classes. For the class struggle in revolutionary times has always inevitably and in every country taken on the form of a civil war and civil war is unthinkable without the worst kind of destruction, without terror and limitations

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

of formal democracy in the interests of the war. Only suave priests, be they Christian or 'secular', parliamentary or parlor socialists, are unable to see, understand, and feel this necessity. Only a lifeless 'man in the case' can shun the revolution for this reason instead of throwing himself into the fight with the utmost passion and decisiveness at a moment when history demands that the greatest problems of humanity be solved by struggle and war."

Would you place any construction on that?

A. Yes. It is the same thing I have been saying over and over again so many times and it is a shame to repeat it.

Q. All right; don't be ashamed about it. You are on the witness stand. You can say it.

A. I thank you. The "verbal recognition even when they do recognize the class struggle, but in deeds they revert again and again to the Philistine Utopia of 'conciliation' and 'collaboration' of classes—" That, on the basis of history, the Marxist theories maintain has never occurred in history; consequently is not to be expected in history. You will notice that, at the end, "throwing himself into the fight with the utmost passion and decisiveness at a moment when history demands that the greatest problems of humanity be solved by struggle and war," that is when you get a situation where war is inevitable, and to be ready to plunge into that struggle.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. Doesn't he indicate there that history is right now in the making and that history demands that he jump into the war and fight— [354]

A. He doesn't say at the present moment; no.

Q. Let us see, now.

A. That does not say at any present moment.

Q. "Only a lifeless 'man in the case' can shun the revolution for this reason instead of throwing himself into the fight with the utmost passion and decisiveness at a moment when history demands that the greatest problems of humanity be solved by struggle and war."

Now, let me ask you this: If he wasn't talking about the present, why couldn't he just as well have anticipated that you could work that out in a peaceful, intelligent manner, without force and violence; will you tell me that?

A. On the basis of the Marxian theory, no privileged class gives up its privileges without a struggle. He does believe that we are rapidly approaching, certainly, a condition when it will no longer be possible for the workers of America to have rights and have a condition to live in in order to maintain life; that is his belief about the present situation. In that kind of situation, then one has to be ready to plunge into the struggle. He believes this coming very soon, undoubtedly; it isn't remote future. That is undoubtedly true: that he believes it to be very soon.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. Doesn't he, in effect, say just this thing: that a man is a boob who can't see that this thing is right on him right now, and get ready for the struggle and war at once? Otherwise, why in the world would he say anything about struggle and war, if he didn't think that it was inevitable and it was on him right now?

A. He thinks it is inevitable, and he thinks it is going to be very soon, undoubtedly.

Q. He is writing a letter to American workers—

A. (Interrupting) Certainly.

Q. He isn't dealing with a future generation, surely? A. No; not at all.

Q. He is dealing with something pressing and that is likely to [355] take place at any time?

A. I think it is very possible; he believes that it might be likely to take place any moment.

Q. All right. I quote now from page 17 of the same letter. Have you got that? A. Yes.

Q. "The American workers will not follow the bourgeoisie. They will be with us for the civil war against the bourgeoisie. The whole history of the world and the American labor movement strengthens my conviction."

What do you think of that, so far as an indication of what is contemplated by Communism is concerned?

A. I think he honestly believes that when a crisis comes the American workers will not follow the capitalists but will——

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. (Interrupting) Then if a revolution does not happen and must be made, then the Communist Party is working but to the one end: to see not that it happens but to see that it is made, and when it does that we have civil war; isn't that a natural reaction?

A. To see when it comes that we get a socialism. Of course, by civil war, if necessary; that would be part of the doctrine.

Q. Lord, he says it. A. Yes.

Q. He doesn't say anything about a peaceful settlement of anything; he isn't talking about peace; he isn't talking about the everyday life in America that we have. He is talking about something that involves violence, bombs, guns, men going to destruction, and everything of that kind?

A. Yes.

Q. Isn't he?

A. Yes; but if you will notice the previous paragraph again——

Q. Yes; I read that whole thing over and over.

A. All right.

Q. And I couldn't reach but the one conclusion, I am frank to say. Now, let me go back to another book.

A. Would you mind reading that previous paragraph?

Q. Suppose you read it. [356]

A. "Representatives of the bourbeoisie understand that it was worth letting the country go

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

through long years of civil war, the abysmal ruin, destruction and terror which are connected with every war for the sake of the overthrow of Negro slavery and the overthrow of the rule of the slave-owners. But now, when we are confronted with the vastly greater task of the overthrow of capitalist wageslavery, the overthrow of the rule of the bourgeoisie, as well as the socialist-reformists, frightened by the bourgeoisie and shunning the revolution, cannot understand and do not want to understand the necessity and the legality of civil war."

Q. And then what follows? And then his interpretation over here. Now, whether that is right or not, I don't know. His interpretation is that wageslavery is getting to be analogous to slavery in the south.

Q. I am just trying to see if I can't cut this down. You have read "Left-Wing Communism," did you say? A. Yes.

Q. And "Infantile Disorder"?

A. Yes, I have that here.

Q. This is pages 9 and 10, I think, in the book I have:

"For all these reasons the dictatorship of the proletariat——"

A. (Interrupting) I am afraid it is not the same here. Was that the middle of the paragraph.

Q. I can't tell you offhand.

A. Well, you might read the passage and I will see.

Q. It is short. You can get it:

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

"For all these reasons the dictatorship of the proletariat is necessary and victory over the bourgeoisie is impossible without a long, stubborn and desperate war of life and death, a war which requires perserverance, discipline, firmness, inflexibility and unity of will."

Do you think that force and violence is contemplated by the writer in that excerpt?

A. Lenin, of course—This is by Lenin? [357]

Q. Yes.

A. —Has the Russian situation in mind, and Russian conditions. Now, I don't know what all those reasons were. I would like to know whether it is limited to Russian conditions at the time. Undoubtedly it was a conclusion at the beginning of the Russian revolution.

Q. It does sound like violence and——

A. (Interrupting) It certainly is violence in the Russian Revolution.

Q. On page 58:

> "To tie one's hands before him, openly, to tell the enemy, who is now better armed than we are, whether and when we shall fight him, is being stupid, not revolutionary. To accept the battle at a time when it is obviously advantageous to the enemy and not to us is a crime and those politicians of the revolutionary class who are unable 'to maneuver to compromise' in order to avoid an obviously disadvantageous battle are good for nothing."

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Do you think that contemplates peaceful revolution?

A. No; but that again predicts through the relation to the Russian situation.

Q. I think you said you hadn't read anything by Mr. Bittelman, did not you?

A. No; I haven't.

Q. You haven't read anything by Mr. Olgin, have you? A. No.

Q. Do you think that Browder's words, "effective majority," mean a majority of the potential fighters in the expected revolution as distinguished from a majority in a numerical sense?

A. Would you state that once more? I am not quite clear on it.

Q. Do you believe that Browder's words "effective majority" mean a majority of the potential fighters in the expected revolution, as distinguished from the majority in a numerical sense?

A. I should want to know the connection before I was sure what was meant by that passage.

Q. Just a minute and I will give it to you. It is in the first portion of the book, "What is Communism?" by Earl Browder, that I [358] read to you, and I will just read you the one sentence, Professor:

> "In this revolutionary situation the Communist Party, which has won the active support of the majority of the working class and

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

of the decisive sections of the other exploiting classes, win some of the armed forces to its side and leaves the effective majority of the population to the seizure of state power."

A. I don't suppose that is limited to counting noses majority.

Q. Professor, have you read the immigration law?

A. The what?

Q. The immigration law.

A. No; I have not.

Q. Do you know anything about the charges which Mr. Bridges is under here at this time?

A. Only in a vague way. I would not say in any sense, any technical or legal sense, that I know about them.

Q. You don't know the specific statute under which these charges are drawn, do you? A. No.

Mr. Shoemaker: Mr. Bonham has a few questions he would like to ask.

By Mr. Bonham: Q. I shall be brief for several reasons: One is that my theory— you see, we all have theories—is that your theory of Lenin's theory, of Marx' theory, is not an issue in this case or, at least, if so, it is so remote as to be hardly discernible. The issue is whether the Alien belongs, or is affiliated with an organization that believes in, teaches and advocates the overthrow of the Govern-

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

ment of the United States by force and violence; also whether the organization to which he, we believe, has been proved to belong to and affiliated with, prints, publishes and distributes literature advocating the overthrow of the Government of the United States by force and violence. I would like to clarify briefly whether you qualify or claim to qualify as an expert on Leninism and Stalinism, or simply on Marxism.

A. Those three men's philosophies are taken usually as thrown together in such a fashion that no one would have to know about the others. [359]

Q. Then, you claim to be an expert on all three?

A. I think I know about the philosophies of all three.

Q. You disavow any expert knowledge of their tactics and activities?

A. I don't know anything about that, not in any technical sense at all.

Q. Now, do I understand that the document that you have so extensively and carefully prepared is claimed to show that the dictatorship of the proletariat can be attained by parliamentary and peaceful means?

A. I think that document shows that theoretically it can be attained by peaceful means, but that the citations of history indicate the belief of Marx and Engels that it would not be so attained.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. You have not made the issue clear, at least not clear to me. I would like to know whether you claim, as the result of your studies on that point, whether or not it is possible to establish the dictatorship of the proletariat, whether it is possible to establish it by peaceful means.

A. It is theoretically possible, yes.

Q. Are you familiar, and I take it you must be, with "The Proletarian Revolution and Renegade Kautsky"?

A. Yes, I have read that.

Q. Have you read it recently?

A. Not all of it; no.

Q. Do you know Lenin excoriated Kautsky for claiming just what you have claimed?

A. No; I think not. I think you haven't quite caught my distinction there. You asked me: on purely theoretical grounds, if it could be attained. When one is considering practice, one doesn't take a theory all by itself. What Kautsky claimed was that it was not only theoretically possible, but it was practically possible.

Q. That is a good deal like——

A. (Interrupting) There is a distinction there between what you expect in practice and what a theory might say is possible. [360]

Q. It seems to me that is like the shell game: guess which shell the pea is under.

A. I rather objected to your question in the first place on the ground that I don't think that distinc-

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

tion of theory and practice ought to be made, and I hesitated to answer on the basis of pure theory. When I answered on the basis of pure theory I was thinking of the Grundsatze. When I answered that question, I cited a process that was depicted in detail by Engels in which it would be attained by peaceful means, which he didn't believe would ever happen.

Q. Well, in everyday language, could you make it clear as to whether violence and force were necessary to the establishment of the dictatorship of the proletariat?

A. In the sense of this philosophy, if you get a period of breakdown and it is started, the balance has to be resisted to establish a dictatorship of the proletariat. You don't make the breakdown and you don't seek the balance, according to the theory.

Q. What have you to say to this:

"The proletarian revolution is impossible without the forcible destruction of the bourgeois state machine and the substitution of it for a new one"?

A. The first few words of the sentence I did not get.

Q. "The proletarian revolution is impossible without the forcible destruction of the bourgeois state--" etc.

A. If you change——

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. (Interrupting) Can't you answer that without speculating in "ifs" and "ands"? Can you answer by "Yes" or No"?

Trial Examiner Landis: I think you have to give the witness his privilege to try and answer to the best of his ability.

By Mr. Bonham: Q. Proceed.

A. I am sorry to have to put an "if" in front of it. If by that you mean an entirely new system of production and distribution of goods, such a new system of production and distribution of goods could only be established by [361] destruction, or replacing, which is the same thing, in a sense, and wiping out of earlier methods of distribution of goods, in that sense, you can say that feudalism wiped out the church and that monarchial institutions destroyed or wiped out the institution of feudalism.

Q. You don't feel that the article you have submitted would be such as to put you in the same class, in the opinion of Lenin, as Kautsky?

A. I don't see why it should put me in any class at all, as far as Lenin is concerned. I was simply giving an exposition, not expressing beliefs, and not advocating anything from anybody.

Mr. Bonham: Your Honor, your attention is particularly invited, in the consideration of this case, to Government's Exhibit No. 98, which, I believe, vitiates the testimony of this witness.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. Reading from "Why Communism?", which is Government's Exhibit 69, I want to ask you whether or not this context causes you to admit the Communist Party in the United States advocates violence in the overthrow of the Government—page 74:

> "The overthrow of the State power, and with it, of the capitalist system, grows out of the everyday struggles of the workers. One is historically inseparable from the other.
>
> "As the organization of the workers grows, as their struggles become fiercer, while many non-proletarian elements like farmers, intellectuals and exploited members of the lower middle class join the revolutionary movement, the final onslaught on the fortress of capitalism draws nearer. These struggles are the reaction of the masses to the misery wrought by the crises of capitalism. The capitalists try to overcome the crisis by putting additional burdens on the shoulders of the masses, but they cannot cure the incurable disease. There comes a time when large sections of the population say that this simply 'cannot go on.' The governments [362] seems to be entirely inept to cope with the political and social difficulties. The belief of the population in the wisdom and all-powerfulness of the 'men higher up' is shaken. These men are losing their confidence. The confidence of the masses in their own strength is growing

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

apace. The struggles of the masses meanwhile become broader and deeper. The government tries suppression. It does not succeed in crushing the spirit of revolt. It cannot stem the tide. The previous struggles of the workers count greatly. The clearer the class-consciousness of the workers, the more steeled they are in fighting, the better the revolutionary leadership they have developed in the course of years, the greater the number of friends they have allied with themselves from among the other oppressed classes, the more capable are they to deal the final blow.

"It is not necessary that this final blow, i. e., the revolution, should come in connection with an imperialist war, although this is most likely. Capitalism will seek to prevent a revolution by plunging the country into war. War is to serve not only as a way out of the crisis but as a means to arouse the patriotism of the masses, to increase governmental terror (martial law,) and to divert public attention from internal affairs. War, under such conditions, for a while retarding the revolutionary movement, may hasten it later when the war sufferings begin to tell on the masses.

"A time comes when there is demoralization above, a growing revolt below; the morale of the army is also undermined. The old struc-

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

ture of society is tottering. There are actual insurrections; the army wavers. Panic seizes the rulers. A general uprising begins.

"Workers stop work, many of them seize arms by attacking arsenals. Many had armed themselves before as the struggles [363] sharpened. Street fights become frequent. Under the leadership of the Communist Party, the workers organize Revolutionary Committees to be in command of the uprising. There are battles in the principal cities. Barricades are built and defended. The workers' fighting has a decisive influence with the soldiers. Army units begin to join the revolutionary fighters; there is fraternization between the workers and the soldiers, the workers and the marines. The movement among the soldiers and marines spreads. Capitalism is losing its strongest weapon,—the army. The police as a rule continue fighting, but they are soon silenced and made to flee by the united revolutionary forces of workers and soldiers. The revolution is victorious.

"Armed workers and soldiers and marines seize the principal governmental offices, invade the residences of the President and his Cabinet members, arrest them, declare the old regime abolished, establish their own power, the power of the workers and farmers."

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

To your mind, does that denote force and violence in this overthrow of the Government? Answer that question "Yes" or "No."

A. It denotes force and violence under special conditions.

Mr. Bonham: That is all.

Trial Examiner Landis: I have a few questions I would like to ask the witness, but let's take a recess first.

(Recess)

By Trial Examiner Landis: Q. Mr. Brown, is this the first time that you have ever testified in a quasi judicial proceeding? A. It is.

Q. Do you know that it is customary practice, in the case of what is known as expert witnesses, for the experts to receive a fee for testifying?

A. I have heard that it is; I don't know that.

Q. Are you receiving a fee here?

A. I assume I am.

Q. You assume that you are receiving the regular and customary fee [364] to testify?

A. Yes.

Q. Did you know, when this subpoena was issued on you, that you were not compelled—that is, that that subpoena did not actually compel you to come here?

A. I did not know that.

Q. In other words, that the theory of the law is that if you knew any fact that is deemed relevant

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

by counsel with reference to this proceeding you would have had to answer that subpoena?

A. I assume so.

Q. But, inasmuch as your testimony is not with reference to a fact but an exposition of a theory, it is expert judgment, the subpoena itself is not compulsory? A. I didn't know that.

Q. Let me move to your exposition of the Marxist theory. I would like to, in substance, try and take your exposition for the moment—not that I admit that your exposition is necessarily the correct exposition of the Marxian theory—but to see whether or not I can understand it and its implications. What is called by Marx—to speak in a sort of a dialectic form—the conflicting pressures of our civilization are such that they inevitably will lead to a revolution; a revolution which will perhaps take the form of the dictatorship of the proletariat, or perhaps take the form of chaos. But in any event, the pressures are such that the existing method of producing goods, and so on, is bound to break down? A. That is correct.

Q. That is essentially one of his theses?

A. That is correct.

Q. Now, am I right in saying that that has been called, in some circles, as economic determinism?

A. Yes.

Q. It is called that, isn't that true, because of the emphasis upon the economic forces underlying the shaping of our civilization? A. Yes.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. But Marx didn't limit himself solely to the fact that these changes would take place as a result of economic forces. Didn't he [365] also take into consideration that there were other forces playing upon our civilization, such as the ideologies that Lenin might possess as of a time and place?

A. Certainly, those all have their part.

Q. Consequently, the possession of certain ideologies by a group of men would be a great significance in determining direction of our civilization or even the rate of progress of our civilization from one period to another?

A. That would be true.

Q. Now, one of the prime reasons, as I listened to your exposition of the Marxist theory, that would lead to this revolution would be the dissatisfaction of masses of men with existing conditions, conditions that characterize the present economic system of producing goods; is that right?

A. Producing and shipping goods, yes.

Q. Consequently, anything that would increase the dissatisfaction of those masses of men would accelerate the period of revolution?

A. I don't think that Marx would mean or intend an artificial increasing. Anything that served in the way of education to show the men what was really going on about them, when they couldn't otherwise see it, would be important.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. I wonder if you would agree with this: that this determinism that underlies the Marxist philosophy is not, shall we say, fatalistic?

A. It is not fatalistic.

Q. And that is because men are in a sense masters of their own destinies? A. Yes.

Q. And those are forces which shape the political destiny of a nation?

A. Masters of their own destiny through understanding.

Q. Consequently, an increased dissatisfaction with the existing social order on the part of the masses of men, it would seem to me, tends to accelerate the period when the masses, dissatisfied with existing conditions, would say, "We want this, we want that, we want the other thing, which our present civilization hasn't [366] produced for us," and thereby bring about that resistance, which, as you expressed it, might lead to revolution with armed violence and the like?

A. Yes, provided that that was based on a true analysis of actual conditions.

Q. What you are saying——

A. (Interrupting) Certainly, if there were deception, if they were being fooled by somebody who was trying to hold them down, it would certainly affect the development or it would be intended to affect the development of it.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. What you are saying there is that a thing that would effect the acceleration of that period of time would be a tendency to lull the masses into the belief that conditions were fine when they were not fine?

A. Yes; such a belief would be a deceptive belief.

Q. And the discovery of such deception would thereupon increase the dissatisfaction of the masses and thereby accelerate the point of time of revolution?

A. Readiness to organize and readiness to take hold of such power as they could get to better their condition.

Q. If that is so, isn't it almost a necessary consequence of that theory that anybody who is dissatisfied with existing conditions, with the social order and advocates a change of some consequence in that social order is thereby bringing nearer and nearer the time when revolution will take place?

A. Provided other conditions are ripe for that revolution. That is not the sole factor.

Q. I agree it is not the sole factor.

A. Preparing them for going in a certain direction when the proposition comes—that is true.

Q. That isn't quite it. Assuming that the other factors remain the same, this factor of an increased dissatisfaction with existing institutions would tend to accelerate, shall we say, the revolution?

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

A. If you are using "revolution" in a general sense for the full process of moving along, yes.

[367]

Q. And, therefore, anybody who preaches dissatisfaction with the social order is thereby accelerating the revolution?

A. I should like to know in what terms you are thinking of in connection with that question. For example, activities like that of the Consumers Union which attempts to tell people the quality of products they are getting and to undermine some of the deceptive statements made by advertisers and causes increasing dissatisfaction among the people: would that fall under what you mean?

Q. For example, say, an outcry against Wall Street, against international bankers, against—what are some of the other symbols that are commonly used—but that type of thing—outcries against matters of that type and trying to convince masses of men that the existing institutions of government, or of society, are such that they do not give these benefits to which these men are entitled, that in itself would accelerate the revolution?

A. I think it would not be correct Marxism merely to make such outcries without pointing to definite facts. The situation must be such that the actual happenings justify the outcry and then it would be legitimate for them.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Q. What you are saying is that the economic forces have to combine with what might be called the ideological forces——

A. (Interrupting) Exactly.

Q. (Continuing) —in order to precipitate the revolution? A. Exactly.

Q. But the economic forces might be such as would normally precipitate the revolution and yet there could not be such a massed consciousness of the wrongness of the economic forces so that that would necessarily delay the coming into existence of the revolution until the ideology was ripe for it?

A. In other words, it would——

Q. (Interrupting) The point I am wondering about is whether or not Marx' philosophy isn't such that it almost necessarily carries [368] the implication that anybody who preaches extensively against the social order is thereby accelerating this thing called the revolution; that the revolution, according to the Marxist theory, cannot be accomplished without force and violence, and that, therefore, anybody that preaches against the social order is necessarily advocating force and violence?

A. I do not understand the Marxist theory to just protest against the social order without trying to pick out particular points and particular things that were going wrong and that were not working.

Q. What worries me is this: As to whether or not, assuming the Marxist philosophy, assuming that a man who was an adherent of that philosophy,

(Testimony of William Schneiderman.)

(Defendant's Exhibit "C"—continued.)

his criticism of the social order made public, and his advocacy of the changes in the social order, especially if that advocacy is accomplished by flustration, whether or not the necessary implication isn't that that man is participating in bringng about the period envisaged by Marxists, to-wit, revolution with force and violence?

A. I shouldn't say that it was in the sense that it is precipitating force and violence. I should say it was hastening the period when there would be a mass demand for a change. Now, if that demand for a change is denied by——

Q. (Interrupting) Which is assumed by the Marxist——

A. (Continuing) —certainly, except in so far as democracy can go; then, of course, you meet with the development of violence. That is, I think that Professor Dewey has given a statement—Dewey is not a Marxist himself at all—but in "Liberalism and Social Action," in one of the last pages, he says that when a majority have begun enacting laws for their own benefit—I might say, as a preliminary, that Dewey is very much opposed to force all through "Liberalism and Social Action—" but in that last chapter, he says, in one case, force is necessary and is to [369] be approved. For example, when the majority, through legal means, have entered upon a course of reconstruction for their own benefit, and they are opposed by a minority who re-

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

fuses to permit them to realize these things they have already won, it is then right for the majority to use force against the minority. From that point of view, if you have a resistant minority they are quite as much provocateurs of force and violence as the majority are. It is a question of which side is providing the force and violence.

Q. True. I agree that the Marxist exposition that you give is that the initiation of a program of force and violence will come from the resistant minority rather than the majority.

A. Yes

Q. Because your contention is that the Marxist says the majority will try to work through democratic means. A. Yes.

Q. Now, there, again, I am disturbed by your interpretation, in this respect: The Marxists, as I understand your description of them, assume that the institutions of our society are now in the control of bourgeois, dominated by him, operated in large measure for his profit; that such concessions as he gives are wrung from him. Now, that conception goes through certain institutions of our society, to certain systems of laws, that we have adopted in the past, and that are still with us. I am wondering also whether it does not go through to the procedures whereby those laws themselves are adopted. The Marxist, for example, according to your exposition—he says: "This specific series of law under

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

which we operate at the present time—" for example, take such a specific illustration as the anti-picketing law—"those things are bourgeois laws enacted for the protection of the bourgeois. They aren't really representative of democratic principles because the mass of people, if they only perceived that their own interests were allied against laws of that nature, would wipe them from their books."

[370]

Is that a fair application of your exposition?

A. I would like to risk another example which I think shows the application. I hesitate to give concrete illustrations because I am not skilled in that kind of application. For example, we have passed such a bill as the Wagner Labor Law, which is understood by labor, as I understand it, to give labor the right to organize. You find in factories like Mr. Ford's or the steel plants, an opposition to carrying on that process which labor understand that the law gives them a right to carry on. Now, in that case, I think that they might interpret—I think the Marxian might interpret that as being one of the cases of what the bourgeois would do if the proletariat enacted laws for its benefit which opposed their interests.

Q. I think that might be a good illustration. Let us pursue that through a little further. The Marxist will not only take the opposition of particular employers and certain laws as examples of the resistance on the part of the bourgeois to the attain-

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

ment by the proletariat of their aims through the democratic method, but he would go further, as I am trying to apply your exposition: He would go further and say, "Well, those laws in order to be enforced need to be interpreted." The agency for the interpretation of that is our courts. Our courts, through devious means, by a constitutional interpretation or simply by interpretation, succeed in stripping those laws of their vitality and thereby a mass movement is centered on it. The courts themselves are instrumentalities of the bourgeois system. Therefore, we have to rise in protest against those intellectuals.

Pursue that further; carry it beyond the judiciary: The process itself may be carried further to the representative side of government as well. So that the protest of the Marxists would seem, by implication, to carry not only through certain measures, but to the very measures which underlie the framework [371] of our Government today. How, then, can he at the same time insist upon the maintenance of the Government where he attacks the very framework of the Government as itself being merely an instrumentality of a bourgeois society?

A. I should think that could be answered this way: that at the present time we still have sufficient democracy, and can put sufficient pressure on the courts, and can put sufficient pressure behind certain legislation so that a great deal can be attained.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Get what can be attained first. I think that this process of attainment can go on indefinitely until it comes to a point of a break when the influences of the forces that control the Government will oppose anything further, any further advance of that process.

From Mr. Browder's analysis, you can meet it very easily. For instance, we have cases where we elect representatives and we also have lobbyists that are definitely opposed to certain measures. For example, we had a concrete example—I don't like to give concrete examples—but we had a very excellent food and drug law in the state this year. The food and drug legislation, according to my friends, is extremely bad and extremely ineffective in this state. This legislation was presented at Sacramento and was very ably presented. It went to committee. There the committee heard the argument and instead of discussing it at all they asked one of the lobbyists what to do about it and the lobbyist turned "thumbs down" and walked out, and they tabled this bill without discussion.

Of course, the answer, and Mr. Browder's immediate answer, would be to elect some new assemblymen and some new senators.

Q. I wonder if it is the real answer that is being made by the Marxist?

A. I think it is the immediate answer. I do not think there is any illusion. I don't think Browder

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

is under any belief in connection with that except that it could be continued [372] indefinitely.

Q. I wonder if the answer, though that isn't being made and suggested, is that since this process goes on, since the present mechanism of trying to express the ideas of the masses fail to express the ideas of the masses because of the imagination of the bourgeois, whether it isn't wisest to tear down those procedures and to strike against the procedures themselves?

A. I think the conclusion is definite that that would have to be done in the long run. I think it is equally true that it is not the thing that could be done possibly or plausibly at the present time.

Q. When this term "democracy" is used in the Communist Manifesto, the conception, I suppose, is a conception of government by the majority, but is that conception necessarily a conception of government by those procedures with which we try and reflect the majority in the United States?

A. Of course, the particular building up of forms of government, or institutions, through which the majority of the people can realize their aims or ambitions is a special problem. Now, the conclusion seems to be that in general most present forms would not lend themselves to that to any high degree.

Q. In other words, the Marxists take the position that most present forms that we have for attaining

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

this ideal of democracy of government by the masses and for the masses are pretty ineffective?

A. Likely to become ineffective. And where you have the capitalists on one side, with ownership of communications and the like and the proletariat on the other without ownership, you are likely to have a hard time even if you are in the majority.

Q. Consequently, it might be wise to inculcate into the masses a distrust of the procedures under which they are governed as of the present time, pointing out that that procedure can be so readily utilized by the bourgeois to benefit their own ends?

[373]

It would be important to give them an understanding of this point of view, that is, of how they work and what they do, and be aware of what is happening.

Q. Is there anything in the Marxist doctrine which, for example, points to such a thing as the tripartite division of power as being essential for the maintenance of democratic government?

A. I don't know anything of the sort.

Q. And yet that is said to be one of our guarantees to liberty for many people? A. Yes.

Q. So that the procedures of democratic government that might be advocated by the Marxist aren't necessarily the same as the procedures of government which, broadly speaking, are in effect in the United States today?

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

A. I think that would be true.

Q. One other thing, Mr. Brown: The Marxist philosophy, as you pointed out, looks forward towards the disintegration of capitalists through their inability to supply the masses with a type of living which the masses felt, in justice, they demand. It looks forward to that and says, "That is inevitable." At the same time, when that period of intense dissatisfaction comes about, which Browder speaks of as a revolutionary situation, he seems to say that that in itself will not produce the revolution but some kind of a causus belli has to come into existence? A. Yes, sir.

Q. Would it be a fair interpretation of that language to say that it is the duty of the Communist Party to provide that causus belli?

A. I don't think anything could be provided, as Marx would understand it. For example—and I am not sure how good the example is—but in Russia the economic structure broke down pretty well during the War. The army was no longer paid and they were living practically on the front. You had the peasants property hungry, hungry for land, and you had a situation where the landowners could no longer exercise control of their own government; [374] no unity in the governing class. Then you had a case of the Communists developing a cooperation between the workers and peasants and taking over of the government and making use of an insti-

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

'ution already existing, the Soviet, to develop a special form of government which they expected to and did succeed in continuing along socialistic lines.

Q. The Marxist philosophy as such is applicable to the past as well as to the present, isn't it?

A. Yes.

Q. So we could take a thing like the American Civil War and interpret it according to the Marxist philosophy?

A. There is a book by Marx on the Civil War in America. I haven't read it.. I think it has been translated into English.

Q. To put the thing more and more concretely: we might contrast, for example, the position of the Republican Party in that connection with the position of the Abolitionist Party of that time. It may be a fair thing to say of persons like Lincoln and Seward, and so on, that they recognized, consciously or unconsciously, that a conflict was inevitable, but they sought not to provoke it; they realized that it might happen, but they were not going to be deterred from pursuing their ideals with reference to the destiny of this country merely because of the fear of a conflict. If it came, it came. "With a house divided," a speech, an expression of Lincoln's firm determination to see that the nation couldn't be half slave and half free. One might regard Sumter as a causus belli which brought into existence, which provoked, the revolution, to use the Marxist term.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

Now, contrast that group, if you will, with the Abolitionists represented by Garrison and the like. Garrison said the Constitution was a pact with the devil. They sought to provoke the revolutionary situation. John Brown's raid, in a sense, was an effort to provoke that situation. [375]

Now, as I listened to that language of Browder, I wonder into which category one would put him,—into the category of the Abolitionists, of John Brown and his group, or into the category of Lincoln and his group,—from the standpoint of Marxist philosophy?

A. I should think he would fall in the category of Lincoln's group.

Q. That is, with no desire to provoke the situation?

A. Of course, I am assuming that you can accept Browder's statement concerning the support of the Democratic Party. He brings out in "The People's Front" that he considers it the correct thing to preserve all of our democratic structure and to push that as far as possible for the advantage of the working classes. To provoke, without a revolutionary situation, which he says didn't exist, would be certainly, from Marx's point of view, and from the beginning of Marx's theory, everything would be lost if a revolution was precipitated, if emotion, feeling or anything of that sort, excitement, precipitated a revolution at a time when a revolution-

(Testimony of William Schneiderman.)

(Defendant's Exhibit "Q"—continued.)

ary situation was not ripe. That would be the surest way of thwarting your end, according to the Marxist theory.

Q. Now, there is a little difference in tenor there as between what we might call the almost sad and tragic language of Lincoln's Springfield speech, "The house divided," and his other speeches, a sense of perhaps the inevitability of the conflict, and yet tragic atmosphere that springs from those speeches with perhaps what might be called almost the fiery tenor of these remarks.

A. When I heard Browder over the radio, I never thought there was a fiery tenor to his remarks.

Q. I have never had that privilege. All I have to use are these exhibits here.

A. There is one chapter in an exhibit here which I think gives an account of that radio speech—one of the chapters in this book. It is a series of questions and answers. [376] I think, delivered over the radio.

Q. I have seen that, because that was a portion of the record in the Strecker case, if I recall.

Isn't that right, counsel?

Miss King: It was in the brief and amicus.

The Witness: It is Section 3 here (indicating,) —a series of questions and answers—a radio interview given Earl Browder at Hartford, Connecticut, on October 6, 1936. It is page 176 of "The People's Front."

(Testimony of William Schneiderman.)

Trial Examiner Landis: I think that is all I have.

(Witness excused)

[Endorsed]: Defendant's Exhibit Q. Filed Dec. 12, 1939. [377]

Mr. Anderson: I will offer the statement of Professor Walter Thompson as Defendant's Exhibit "R."—all of which I ask may be deemed read into the record, your Honor.

The Court: Very well.

(The document was marked "Defendant's Exhibit R.")

DEFENDANT'S EXHIBIT "R."

Examination of Walter Thompson taken from official report of proceedings before the Immigration and Naturalization Service of the Department of Labor, Docket No. 55973/217, in the Matter of: Harry Bridges—Deportation Hearing; Angel Island, San Francisco, California, August 16, 1939, and August 17, 1939; Direct Examination commencing at page 4566 of said transcript:

[Note: All italics in this exhibit are by the author.]

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

WALTER THOMPSON

was called as a witness on behalf of the alien and, having been first duly sworn, was examined and testified as follows:

Direct Examination

By Miss King:

Q. Will you give your name and address to the reporter?

A. Walter Thompson, 121 Castilleja Avenue, Palo Alto, California.

Q. Professor Thompson, where did you go to college? A. McPherson College.

Q. And have you had any courses of study since you graduated from college?

A. Yes, I took my A. B. at McPherson College in 1912, then I took my Master of Arts at the University of Kansas in 1913, then I took graduate work at Wisconsin, Chicago; Sorbonne; and after the War returned to Wisconsin where I took my Ph. D.

Q. Now, in what courses did you specialize, both at college and afterwards?

A. In college I specialized in history, and in my graduate work I specialized in sociology and social science.

Q. And have you done teaching since you have graduated from college?

A. I have spent most of my time teaching since I graduated from college, except for my graduate work.

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

Q. What courses did you teach and in what universities?

A. I assisted, and afterwards was an instructor in political science at the University of Wisconsin, and then I did some administrative work, that is, public school work; then I went to Oklahoma, where I was Professor of Government for three years, and I came to Stanford in 1928, where I am now Professor of Political Science. In 1931 [378] I served as a Carnegie Professor at Upsala, Sweden, and Oslo, Norway.

Q. What languages do you read?

A. Well, in college I taught Latin: that was during the last two years of my college work. I defrayed my expenses by teaching Latin in preparatory schools. I wouldn't swear that I could read Latin now, if someone would present me with a copy of difficult Latin. I took some Greek: I read French with difficulty: German comes easier; Norwegian and Danish very easy, Swedish is a snap; and I also read English.

Q. Were you born in the United States?

A. Yes.

Q. To what societies do you belong?

A. I belong to the American Political Science Association and to the Association of University Professors.

Q. Do you have any honorary degrees?

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

A. Yes. Two years ago, my old college, celebrating its 50th Anniversary, called back three of the old graduates to receive honorary degrees, and I was one of them. I received a degree of Doctor of Laws.

Q. What books or articles of yours have been published?

A. "Federal Centralization" was published by Harcourt Brace in 1923, and then I collaborated with other scholars on "Government Control of the Economic Order," which was published by the University of Minnesota Press in 1935; and also "The Control of Liquor in Sweden" was published by the Columbia University Press in 1935.

Q. Have you published any magazine articles or things of that kind?

A. I don't know how many articles I have published. I have contributed to such organs as "The Annals of the American Academy" and the "American Political Science Review" and the "National Municipal Review," and so on.

Q. Are you writing a book now or working on a book?

A. I am working on a book on proletarian political theories.

Q. And in connection with that and with your previous work, have [379] you made a study of Marxism?

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

A. Yes, for the last 10 or 12 years I have had to make a study of Marxism, because I am teaching political philosophy and especially modern political theory.

Q. And in what did that study consist?

A. Well, in modern political theory we find, especially in contemporary theory, a great deal of it is either adherent to Marx or it is refuting Marx, and we find that there is a deviation from Marx—so Marx is an important background.

Q. When you say Marx is an important background, have you studied Marx himself?

A. Oh, yes. I think I have read most of his works. I stopped with the second volume of Das Kapital.

Q. When you say you have read most of his works, what have you in mind?

A. Oh, such works as the "German Ideology," "The Poverty of Philosophy," "The Communist Manifesto," "Critique of Political Economy," "Wage, Labor and Capital," "Value, Price and Profit," and "Capital."

Q. What other Marxian writings, exclusive of Marx himself, have you read, if any?

A. Well, of course, it is hard to differentiate between Marx and Engels, because they collaborated so closely together. But I have read such works as "The Origin of the Family, Private Property and the State."

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

Q. Have you read any Leninism or Stalinism?

A. I have read Stalin's "Leninism," plowed through it in German before we had an English edition, and then I have read such works as Lenin's "Imperialist Man," "Imperial Criticism," and "Imperialism," "The State and Revolution," and "The task of the Proletariat in Our Revolution."

Miss King: I think that is all I have. Do you have any questions that you can ask?

Mr. Shoemaker: Yes, I would like to ask the Professor a few questions. [380]

Cross Examination

By Mr. Shoemaker: Q. Do you know anything about Leninism, Stalinism, Professor?

A. I think I know something about Leninism.

Q. Would you qualify as an expert on those as well as Marxism?

A. I think I could qualify as an expert on Leninism. I wouldn't say that I could on Stalinism.

Q. Do you know anything about the practice of Communism?

A. You mean the contemporary practices?

Q. Yes. A. Very little.

Q. Are you a member of the Communist Party?

A. I am not.

Q. Have you ever been?

A. I have not.

Q. Have you ever been affiliated with the Communist Party? A. I have not.

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

Mr. Shoemaker: I think I will have to raise the same objection to this witness that I did to Professor Brown.

Miss King: I think that matter was all argued out.

Trial Examiner Landis: Well, that is overruled, —the objection of Mr. Shoemaker.

Mr. Shoemaker: All right.

Trial Examiner Landis: Now my understanding is that the witness's statement here is to be received in evidence as if it were read, and in order to permit counsel for the Government and myself to go over this statement so that we can get its effect and weigh its effect, and try and understand it and ask such questions as may occur to us in that connection, we will adjourn for the day——

Mr. Gladstein: (Interrupting) Before you do that, your Honor, I don't think the record clearly shows, and I think it should show before adjournment, that Professor Thompson has at our request prepared a 30-page——

The Witness: (Interrupting) 36-page.

Mr. Gladstein: How many pages?

The Witness: 36-page. [381]

Mr. Gladstein: —a 36-page statement on the subject of Marxism and other topics dealt with in that statement, and that we offer that statement for the record and that it should be deemed to have been read into the record as though Professor

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

Thompson had read it. Is there any objection to that?

Mr. Shoemaker: I have no objection at all.

Mr. Grossman: It was my understanding that the copy given to the Dean and Mr. Shoemaker, and also the reporter, is not a complete copy. I don't think our stenographer——

Trial Examiner Landis: This will be off the record.

(Remarks off the record.)

Trial Examiner Landis: If there is nothing further, we will adjourn.

The statement referred to appears in words and figures as follows:

WALTER THOMPSON

I feel that I should preface my testimony with a statement of my position. Being under subpoena at the request of the defense, I am technically a witness for the defendant. However, I hold no brief either for or against Mr. Bridges, whom I have never met, whom I do not recall ever having seen, and about whom I know very little. My testimony will consist in an exposition of the leading adherents of the Marxian school of political philosophy. I intend to make that testimony objective and detached. I have explained my position to the counsel for the defense, and they have seen fit to request my presence under these conditions.

At the very outset we have to guard against symbolism in any discussion of Marxist philosophy.

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

Marx has become a prophet and a symbol of hope for a large number of people. On the other hand, he has also become a symbol of evil for a large group. In discussions of Marx there has been entirely too much heat and too little light. There has been a tendency to lump Communists, Syndicalists and Anarchists into the same category and to designate [382] them by the word "Reds." These various schools of thought differ widely. They vary in their origins and have their roots in different philosophies. The founders of these schools of philosophy were opposed to one another. Thus, we find Karl Marx in his Poverty of Philosophy ruthlessly devastating his contemporary, the French Anarchist, M. Proudhon. We also find him breaking with the Russian Anarchist Bakunin and fighting to keep Bakunin and his followers from gaining control of the First Internationale. We find Lenin attacking the theorists of Social Democracy as temporizers and renegades. To Lenin the Anarchists were not Marxists in any true sense.

The question also may be raised as to whether an exposition of the theories of Marx and Engels is relevant to the case at hand. A claim for relevancy may be made on the grounds that recent and contemporary leaders of Communist thought claim to be followers of Kark Marx and Frederick Engels. Lenin insisted that he was a Marxist, and he was jealous of any unorthodox interpretation of Marx-

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

ism. Stalin claims to be a follower not only of Lenin, but of Marx and Engels. Earl Browder, the recognized leader of the American Communist Party, in his Communism in the United States, repeatedly asserts that he is following in the footsteps of Marx.

It is difficult to summarize the philosophy of Marx. The German edition of the works of Marx and Engels, sponsored by the Marx-Engels Institute of Moscow, consists of some fifteen large volumes. At least twenty volumes of Lenin's works have been translated into English. It is from such prolific writings that we must uncover a Marxist philosophy. But there is such a philosophy, and it is remarkable for its unity and coherence. [383] However, the Marxist philosophy must be considered as a whole. The philosophy is so broad that it would be easy to distort it by selecting excerpts here and there.

We must also bear in mind that no philosophy is written in vacuo. Philosophers are human and reflect the spirit of the times in which they live and write. This is especially true with regard to Marx, Engels and Lenin, all three of whom lived through turbulent periods of history. Not only must their writings be considered in the light of when they were written, but in the light of the occasion under which they were written. For example, we may

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

select a statement in Lenin's The State and Revolution (Vanguard Press, 1926, p. 156):

> "We have but to overthrow the capitalists, to crush with the iron hand of the armed workers the resistance of these exploiters, to break the bureaucratic machine of the modern State—and we have before us a highly technically-fashioned machine freed of its parasites, which can quite well be set going by the united workers themselves, hiring their own technical advisers, their own inspectors, their own clerks and paying them all, as, indeed, every 'State' official, with the usual workers' wage."

Considered purely from its face value, this statement is an expression of violence. However, when we consider that this work was principally intended as a refutation of the stand of the Social Democrats on the one hand and the Anarchists on the other, it becomes far more moderate. Also, when we consider this work was written on the eve of the Soviet seizure of power in Russia, it is not surprising that Lenin should rationalize a justification of the use of force. Jefferson rationalized a similar justification in the Declaration of Independence when he endorsed the right of a people to alter or abolish a government. The expression of such a sentiment was necessary to justify the abolition of English rule in the American colonies. [384]

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

Let us take another example quoted in the same work (P. 168). It is from the pen of Frederick Engels:

> "These gentlemen, have they ever seen a revolution? Revolution is undoubtedly the most authoritative thing possible. Revolution is an act in which part of the population forces its will on the other part by means of rifles, bayonets, cannon, i. e., by most authoritative means. And the conquering party is inevitably forced to maintain its supremacy by means of that fear which its arms inspire in the reactionaries. Had the Paris Commune not relied on the authority of the armed people against the bourgeoisie, would it have lasted longer than a single day? May we not rather censure the Commune for not having made sufficient use of this authority? And so, either the Anti-Authoritarians themselves do not know what they are talking about, in which case, they merely sow confusion; or they do know what they are talking about, in which case they are betraying the proletariat. In either case, they serve only the interests of reaction."

Like Lenin's statement, this at first sight appears to justify violence. However, Engels was challenging the position of the anarchists and the statement was made in the year 1873. The contention of the anarchists had been that authority was not neces-

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

sary and that the state could be overthrown without establishing authority. In the light of this, Engels was merely pointing out the inconsistency of the position of the anarchists.

Let us now turn to the content of Marxist philosophy. I shall not deal at length on historical materialism. That comes closer to Professor Brown's field, and he has already discussed it. But due to the unity of Marxian philosophy we cannot entirely ignore it here.

The materialism of Marx is not pure materialism in that it would exclude the factor of human volition. Such extreme [385] materialism would be fatalism, and not suitable as a basis for revolutionary action. As a materialist Marx insisted that men were shaped by their environment. "It is not the consciousness of men which determines their existence, but on the contrary their material existence determines their consciousness." (Preface to Critique of Political Economy.) The most significant part of their environment is the economic structure on which, in his view, society is based. But let us permit Marx to speak for himself (Ibid., p. 11):

> "The sum total of these relations of production constitutes the economic structure of society—the real foundation on which rise legal and political superstructures and to which correspond definite forms of social consciousness. The mode of production in material life deter-

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

mines the general character of the social, political and spiritual processes of life."

This concept is not entirely new. It was noted by writers such as Polybius, James Harrington and even Alexander Hamilton. However, credit must be given to Marx for developing it to the point where it served as the basis for his explanation of social, economic and political phenomena.

According to the view of Marx, it is the economic foundation which he designates by the term "mode of production" that determines both the ideological and the structural phases of society. It is from their relation to this economic substructure that social classes take their form. Control or ownership of the means of production spells supremacy and creates a dominant class to which the other class or classes are subordinate, and thus class antagonism ensues. This class antagonism is, in the Marxian view, independent of the knowledge of the individual members of those classes. It is something objective, and it is determined by the condition of social [386] relationships. In other words, the worker need not be conscious of the fact that his interests are antagonistic to those of his employer, but nevertheless, that antagonism exists. It is an antagonism not of individuals, but of relationships. This view is set forth in the Communist Manifesto as follows (Charles H. Kerr and Co. edition, 1912, pp. 12-13):

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

"The history of all hitherto existing society is the history of class struggles.

"Freeman and slave, patrician and plebian, lord and serf, guild-master and journeyman, in a word, oppressor and oppressed, stood in constant opposition to one another, carried on an uninterrupted, now hidden, now open fight, a fight that each time ended, either in a revolutionary reconstitution of society at large, or in the common ruin of the contending classes.

"In the earlier epochs of history, we find almost everywhere a complicated arrangement of society into various orders, a manifold graduation of social rank. In ancient Rome we have patricians, knights, plebians, slaves; in the middle ages, feudal lords, vassals, guild-masters, journeymen, apprentices, serfs; in almost all of these classes, again, subordinate graduations.

"The modern bourgeois society that has sprouted from the ruins of feudal society has not done away with class antagonisms. It has but established new classes, new conditions of oppression, new forms of struggle in place of the old ones.

"Our epoch, the epoch of the bourgeoisie, possesses, however, this distinctive feature: it has simplified the class antagonisms. Society as a whole is more and more splitting up into two great hostile camps, into two great classes

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

directly facing each other: Bourgeoisie and Proletariat."

Let us now turn to the labor theory of value. This is not original with Marx. We find it clearly expounded by such a [387] reputable and accepted economist as David Ricardo. Marx, in his Critique of Political Economy credits and American source with the first sensible statement of the theory, namely, Benjamin Franklin. I quote from the Critique, pages 62-63 (International Library Publishing Co., 1904):

"The first sensible analysis of exchange value as labor-time, made so clear as to seem almost commonplace, is to be found in the work of a man of the New World where the bourgeois relations of production imported together with their representatives sprouted rapidly in a soil which made up its lack of historical traditions with a surplus of humus. That man was Benjamin Franklin, who formulated the fundamental law of modern political economy in his first work which he wrote when a mere youth and published in 1721.

"He declares it necessary to look for another measure of value than precious metals. That measure is labor. 'By labor may the value of silver be measured as well as other things. As, suppose one man employed to raise corn, while

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

another is digging and refining silver; at the year's end, or at any other period of time, the complete produce of corn, and that of silver, are the natural price of each other; and if one be twenty bushels, and the other twenty ounces, then an ounce of that silver is worth the labor of raising a bushel of that corn. Now if by the discovery of some nearer, more easy or plentiful mines, a man may get forty ounces of silver as easily as formerly he did twenty, and the same labor is still required to raise twenty bushels of corn, then two ounces of silver will be worth no more than the same labor of raising one bushel of corn, and that bushel of corn will be as cheap at two ounces, as it was before at one, cateris paribus. Thus the riches of a country are to be valued by the quantity of labor its inhabitants are able to purchase.' [388] Thus Franklin regards labor-time from the onesided economic point of view, as the measure of value. The transformation of actual products into exchange values is self-evident with him and the only question is as to finding a quantitative measure of trade. 'Trade,' says he, 'in general being nothing else but the exchange of labour for labour, the value of all things is, as I have said before, most justly measured by labour.' "

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

It is difficult to improve on the statement which Franklin made in this, one of his first literary efforts, when he was a boy in his teens. Mere exchange does not create value. Goods exchanged must be inherently different or they would not be exchanged. A common denominator is required to determine the value of one commodity in relation to other commodities. Marx follows the view of Franklin that the only common denominator is the amount of socially useful labor required to produce the commodities. Such, briefly—indeed, too briefly—is the labor theory of value.

From his labor theory of value, Marx proceeds to an exposition of the theory of surplus value. He insists that

> "Profit and not use is the leading motive in capitalist production. Capitalism is shaken to its very foundation if we make use and enjoyment and not profiteering the leading motive of production." (Capital, II, p. 136.)

How are profits possible? According to Marx, labor power is a commodity and, like other commodities, it is bought by the capitalist as cheaply as possible. If labor is the sole source of value, the employer cannot return to labor a wage commensurate with the value created by labor and still make a profit. And so, according to Marx, the return received by labor in the form of wages can only be a fraction of the value of the commodities produced

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

by labor. The surplus above this fraction is retained [389] by the employer in the form of profits.

What, according to the leading Marxian theorists, are the results of this profit system? Since the worker has received only a fraction of the value he created, he cannot possibly buy all the commodities he produced. The employer, on the other hand, does not use all of his profits for the purchase of consumers' goods, but he reinvests most of them in productive capital. But expansion of plant and equipment cannot continue without interruption for the simple reason that workers in particular and consumers generally, not having received a sufficient return for their labor, cannot absorb the output of commodities. The results are overproduction, crises becoming increasingly more serious, unemployment, quests for markets, competition, monopolies, imperialism, concentration of wealth, augmentation of the number of proletarians, and a breakdown of the capitalistic system due to its inherent contradictions. Let Marx speak for himself on the matter (Capital, I, Charles H. Kerr and Co., Chicago, 1926, pp. 836-7):

> "As soon as this process of transformation has sufficiently decomposed the old society from top to bottom, as soon as the labourers are turned into proletarians, their means of labour into capital, as soon as the capitalist mode of production stands on its own feet, then the fur-

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

ther socialization of labour and further transformation of the land and other means of production into socially exploited and, therefore, common means of production, as well as the further expropriation of private proprietors, takes a new form. That which is now to be expropriated is no longer the labourer working for himself, but the capitalist exploiting many labourers. This expropriation is accomplished by the action of the immanent laws of capitalist production itself, by the centralization of capital. One capitalist [390] always kills many. Hand in hand with this centralization, or this expropriation of many capitalists by few, develop on an ever-extending scale, the co-operative form of the labour-process, the conscious technical application of science, the methodical cultivation of the soil, the transformation of the instruments of labour into instruments of labour only usable in common, the economising of all means of production by their use as the means of production of combined, socialized labour, the entanglement of all peoples in the net of the world-market, and this, the international character of the capitalist regime. Along with the constantly diminishing number of the magnates of capital, who usurp and monopolise all advantages of this process of transformation, grows the mass of misery, oppres-

Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

sion, slavery, degradation, exploitation: but with this too grows the revolt of the working-class, a class always increasing in numbers, and disciplined, united, organised by the very mechanism, of the process of capitalist production itself. The monopoly of capital becomes a fetter upon the mode of production, which has sprung up and flourished along with, and under it. Centralisation of the means of production and socialization of labour at last reach a point where they become incompatible with their capitalist integument. This integument is burst asunder. The knell of capitalist private property sounds. The expropriators are expropriated."

Long before Marx wrote this, he and Engels had justified the expropriation on historical and moral grounds. In the Communist Manifesto (pp. 31-2) we find the following:

"The theoretical conclusions of the Communists are in no way based on ideas or principles that have been invented, or discovered, by this or that would-be universal reformer. [391]

"They merely express, in general terms, actual relations springing from an existing class struggle, from a historical movement going on under our very eyes. The abolition of existing property relations is not at all a distinctive feature of Communism.

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

"All property relations in the past have continually been subject to historical change consequent upon the change in historical conditions.

"The French revolution, for example, abolished feudal property in favor of bourgeois property.

"The distinguishing feature of Communism is not the abolition of property generally but the abolition of bourgeois property. But modern bourgeois private property is the final and most complete expression of the system of producing and appropriating products, that is based on class antagonism, on the exploitation of the many by the few.

"In this sense, the theory of the Communists may be summed up in the single sentence: Abolition of private property.

"We Communists have been reproached with the desire of abolishing the right of personally acquiring property as the fruit of a man's labor, which property is alleged to be the groundwork of all personal freedom, activity and independence.

"Hard-won, self-acquired, self-earned property! Do you mean the property of the petty artisan and of the small peasant, a form of property that preceded the bourgeois form? There is no need to abolish that; the develop-

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

ment of industry has to a great extent already destroyed it, and is still destroying it daily.

"* * * To be a capitalist, is to have not only a purely personal, but a social status in production. Capital is a collective product, and only by the united action of many members, nay, in the last resort, only by the united action of all members [392] of society, can it be set in motion.

"Capital is therefore not a personal, it is a social power.

"When, therefore, capital is converted into common property, into the property of all members of society, personal property is not thereby transformed into social property. It is only the social character of the property that is changed. It loses its class-character."

Marxist theory is revolutionary in the sense that it anticipates the transfer of power from one class to another. By the very nature of capitalistic production and distribution, according to Marx and Engels, the conflicting economic interests of different groups will resolve themselves into a struggle between two classes, namely, the proletariat and the bourgeoisie. To quote again from the Communist Manifesto (p. 23),

"The lower strata of the Middle class—the small tradespeople, shopkeepers and retired

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

tradesmen generally, the handi-craftsmen and peasants—all these sink gradually into the proletariat, partly because their diminutive capital does not suffice for the scale on which Modern Industry is carried on, and is swamped in the competition with the large capitalists, partly because their specialized skill is rendered worthless by new methods of production. Thus the proletariat is recruited from all classes of the population."

And again (p. 26),

"Of all the classes that stand face to face with the bourgeoisie today, the proletariat alone is a really revolutionary class. The other classes decay and finally disappear in the face of modern industry, the proletariat is its special and essential product."

While Marx, Engels, and Lenin stressed the class struggle, their absence of class hatred is remarkable. This is due to their objective treatment and method of approach. According to [393] their theories, there is nothing evil about a capitalist. He acts and thinks as he does for the simple reason that he is a capitalist. Neither is the worker a paragon of virtue. He, likewise, acts and thinks as he does because he is a worker. There is no need of resorting to praise, abuse or incrimination. Engels, himself, was a successful businessman, and, according

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

to his philosophy, an exploiter of labor. To a "Utopian Socialist," his position would have seemed incongruous. To a "Scientific Socialist," like Engels, it was not a question whether his actions as a capitalist were morally right or wrong. From his point of view, they were historically and economically inevitable.

According to Marxian philosophy, you cannot distinguish between social evolution and social revolution. They are phases of the same historical process. Marx repeatedly asserted that you make history out of the stuff at hand, and you will not witness a transfer of power until the bourgeoisie, diminished in numbers and enfeebled by the inherent contradictions of capitalism, are unable to carry on and must yield to the pressure of the masses of organized, disciplined, and class-conscious proletarians. But even so, Marx insists that power is not apt to be yielded without the employment of force.

However, we must bear in mind that Marx, living in exile, was thinking in terms of central Europe, where democratic processes had not been fully developed. He makes an exception for England and the United States regarding the necessity of resorting to force. In a speech at Amsterdam (C. Steckloff, C., History of the First International, Eng. Trans. P. 240,) he says:

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

"Some day the workers must conquer political supremacy, in order to establish the new organization of labor; they must overthrow the old political system whereby the old institutions are sustained. If they fail to do this, they will suffer the fate of [394] the early Christians, who neglected to overthrow the old system, and who, for that reason, never had a kingdom in this world. Of course, I must not be supposed to imply that the means to this end will be everywhere the same. We know that special regard must be paid to the institutions, customs and traditions of various lands; and we do not deny that there are certain countries, such as the United States and England in which the workers may hope to secure their ends by peaceful means."

Engels is less sure of a social revolution in England by peaceful and legal means. However, in his preface to the first Engish translation of Capital, written in 1886 (p. 32,) he makes the following statement:

"Surely, at such a moment, the voice ought to be heard of a man whose whole theory is the result of a life-long study of the economic history and condition of England, and whom that study led to the conclusion that, at least in Europe, England is the only country where the

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

inevitable social revolution might be effected entirely by peaceful and legal means. He certainly never forgot to add that he hardly expected the English ruling classes to submit, without a 'proslavery rebellion,' to this peaceful and legal revolution."

Lenin, in The State and Revolution, is even more skeptical about seizure of power in England and America without a resort to force. He points out that, while it may have been possible in 1871, he doubts that it could have been accomplished in 1917. (P. 145.) Here again, we must remember the time in which this book was written. It appeared between the Kerensky revolution and the Soviet revolution, and Lenin apparently considered the employment of force necessary in Russia and would even go to the extent of giving it a universal application. [395]

Marx, Engels and Lenin are considered revolutionary writers. This raises the question. "What is a revolution?" All three agree that a revolution means a transfer of power from one class to another, with all the attendant adjustments in ideology and social and economic relationships which such a change necessitates. Followers of Marx would not consider a revolution as a mere overthrow of a government by force or violence. Such action might be classed as a coup d'etat, a putsch, an in-

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

surrection, or a mutiny. But a revolution is different. Force and violence means little. The important thing is the transfer of power.

Marxists do not have a monopoly on this concept of revolutions. Social scientists generally now seem to accept transfer of power rather than mere overthrow of government as a criterion. Let us turn to an objective and scholarly source. I refer to the Encyclopaedia of the Social Sciences, published by the Macmillan Company. This work is authoritative and is written by scholars and intended for students of the social sciences. The article on Revolution and Counter-Revolution is by the Danish scholar, Alfred Meusel. I would like to present it in its entirety, but it is too long. However, the following excerpts should shed light on the nature of revolution. (Encyclopaedia of the Social Sciences, Vol. 13, pp. 367 ff.)

> "To a modern student of social science the identification of revolution with political upheaval and the consequent emphasis on violence as its salient characteristic appear misplaced. The government does not function in vacuo; its personnel, organization and policies reflect the correlation of forces in the society which it rules. It is unnecessary to argue a perfect correspondence between state and society to maintain that a major change in the political order —not merely a shift in the personnel of the gov-

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

ernment or a reorientation of its concrete policies—must be [396] preceded or accompanied by a drastic change in the relations among the different groups and classes in society. Thus a recasting of the social order is, at least in modern times, a far more important characteristic of revolutions than a change of the political constitution or the use of violence in the attainment of this end. This aspect of revolution distinguishes it also from coup d'etat, rebellion and insurrection, with which it is sometimes confused * * *

"The quality of the change characterized as revolution cannot be grasped without consideration of the type of society in which it occurs. This may be described in highly simplified terms as a society torn by an internal antagonism between a small upper class which by virtue of its proprietary claims to certain sources of income receives a considerable portion of the social product and a large lower class which performs all the manual, routine labor and subsists in relative poverty. The conditions of existence of the two classes present a sharp contrast and their interests are directly opposed; for, ceteris paribus, the greater the share of the propertied class in the national dividend, the smaller is that of the laboring class. It need not be assumed that the upper class is entirely

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

sterile or parasitic * * * Yet the income of the capitalist entrepreneur, like that of the slaveholder of antiquity or of the feudal lord of the Middle Ages, is based exclusively on the right of ownership. This becomes abundantly clear with the spread of the corporate forms of business organization; despite the fact that the functions of production and business management pass to salaried employees, the income claims of capitalists and entrepreneurs remain unimpaired. In addition to the mutually antagonistic upper and lower class such societies comprise a number of intermediate strata. While the relative weight of these middle groups, their traditions, political orientation and [397] cultural makeup have a definite bearing upon the origin and development of revolutionary processes, the dynamic factor of revolution is always the tension generated by the conflict of interests of the upper and lower class. * * *

"The significance of a revolution lies in the fact that it is not merely a violent and profound modification of the social organization but a major shift in the relations between social classes whereby the dominance of the upper class is destroyed and the lower class emancipates itself from economic exploitation buttressed by political subordination. In the proc-

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

ess the old social order is discarded and a new one erected in its place. Bourgeois revolutions, as illustrated par excellence in the French Revolution, signify the social emancipation of the bourgeoisie and the recasting of the feudal corporative regime into a capitalist bourgeois social system. In a socialist revolution the proletariat rises to the position of a ruling class and destroys capitalism by socializing the means of production.

"The political and psychological aspects of a revolution are emphasized when it is regarded as an uprising of the many against the few, the subjects against the rulers. For some time before the outbreak of a revolution the upper class finds itself in the position of a minority isolated from the rest of society; and the old order is finally overthrown by the aroused majority because it appears to serve only the interests of the few at the top. A revolutionary outbreak is likewise preceded by a decline in the power and prestige of the political authority; simultaneously there develops among broad masses of people a consciousness of separation from and opposition to the state. Weighed by its own weakness and the growing resistance of the populace, the machine of the state gives way at various points, until a concerted attack by revolutionary forces results in its complete

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

breakdown. Then, as [398] the political system is changed, power passes from the last legitimate to the first revolutionary government; thus the gulf between the rulers and the ruled is, at least for the moment, bridged. In the typical bourgeois democratic revolution this reunion of the people with the state is formalized through the convocation of a constituent assembly which embodies the principle of popular sovereignty. * * *

"A revolution occurs, as Lenin observed, when the upper class cannot and the lower class will not continue the old system. The period leading up to a revolution is marked by increasing inability at the top to maintain the status quo and by growing unwillingness at the bottom to tolerate it. The bourgeois revolutions in western society, for instance, were preceded by an epoch of economic and social change extending over several centuries during which the power of the capitalist bourgeoisie grew at the expense of the feudal nobility. The stage for revolution was set when capitalist enterprise had spread from trade to all the important branches of production and when the feudal nobility had been transformed into a class of absentee landowners living on tribute exacted from the peasantry and on bounty from the state treasury. Similarly a proletarian revolu-

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

tion comes at the close of a fairly prolonged development which culminates in the creation of a proletarian mass conscious of its own power and in the concentration of production in a few large plants controlled by private monopolies or by the state * * *

"Even if conceived in the study of a solitary thinker, a revolutionary ideology cannot for long remain isolated from practical life. It must seek to materialize itself; that is, to arouse the masses to the pitch of enthusiasm resuisite to the triumph of a major social interest. The transformations thus effected through the ideology and in it are evident when it becomes [399] the basis of an organized movement. It would nevertheless be a mistake to assume that ideology is more important than organization or that the former precedes the latter; social ideation and social volition do not work independently of each other, nor does organization represent merely a more or less accidental juncture of the two. A thinker in isolation does not evolve a really revolutionary ideology unless his ideas move toward the type of solution being worked out in the world of action. Ideology does not create organization; it merely reenforces and broadens the process of organization by clarifying its causes and aims. * * *

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

"The role of organization is likely to be more important in a proletarian than in a bourgeois revolution. The transition from capitalism to a classless socialist society involves more radical and far reaching changes than suppression of the feudal order by the bourgeois system, both of which are marked by an internal antagonism between an upper and a lower class. The social status of the banker, the manufacturer and the highly paid professional prior to a bourgeois revolution is much superior to that which any element of the proletariat can hope to achieve under capitalism; for many bourgeois groups their revolution simply confirms an accomplished change. The proletariat, on the other hand, must organize in order to overcome its sense of subjection and to prepare for the seizure of political power, which represents merely the first decisive step toward its social emancipation. Nor is the socialist movement as limited in dealing with the problems of organization as is bourgeois liberalism. Groups professing a belief in the beneficence of free competition in all spheres of social life will be somewhat averse to rigidity and centralized control in politics, while those whose aim is a planned society will naturally favor the highest degree of organization. * * * [400]

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

"With regard to legality of revolutionary organization there are certain theoretical differences between the situation confronting revolutionary liberalism and that which socialism must face. Whereas the former attacks a state which does not in principle tolerate any association with political aims, the latter arises under conditions of more or less developed political democracy. In practice, however, the distinction is not as sharp as these formal considerations suggest. For it is unwise to assume that a bourgeois state will permit revolutionary socialist parties to develop to the point where they can commend the allegiance of an electoral majority and can grasp political power by parliamentary means; on the other hand, it is a matter of historical record that for some time before its final collapse absolute monarchy was too weak to combat revolutionary agitation and propaganda. Despite its essential 'illegality' the revolutionary party or bloc may, in a situation where the disintegration of the old political system is far advanced, arrogate to itself a great many governmental and administrative functions thus competing with the lawfully constituted authorities (parliament with the crown, soviet with the democratic legislature).

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

"Revolutions are often preceded by public calamities, such as famines and wars, which shortsighted observers incorrectly regard as causative. Their true significance from the standpoint of the revolutionary process lies in the fact that they serve to spread and to intensify the inclination to revolutionary action. Such events weaken the loyalty of the intermediate strata to the existing order and assure their neutrality if not their active cooperation in the first stages of a revolution. * * *

"When a great revolution finally breaks, it encounters virtually no internal opposition; it appears to unite the people rather than to separate them into hostile camps. Psychological drives, [401] such as suggestion and imitation or fear, play a part in this process, although it cannot be entirely reduced to these simple terms. Nothing is more contagious than success in politics as in every other field of human endeavor. The fact that a revolutionary attempt has succeeded, that under pressure from below the governing machinery of the state has collapsed, seems to put the adherents of the old order in the wrong. Few of them have so clear a conviction and so fervid a faith in the correctness of their pre-revolutionary ideals as to persist in their old beliefs under such circumstances. Most of the former conservatives adopt

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

> to a varying extent the philosophy of the victorious revolution. The swing in political opinion is so abrupt and so wide that it results in a glaring inconsistency between present profession and past performances. Many converts seem entirely to forget their past; some may see it in a new light as a state of delusion caused by ignorance and abetted by the misleading propaganda of the old regime * * *"

Lyford P. Edward, in his scholarly treatise, The Natural History of Revolution (University of Chicago Press, 1927) begins by saying (on page 2),

> "There is no agreement among writers on the subject of revolutions on a definition. The one adopted in this study as a working hypothesis is: A change brought about not necessarily by force and violence, whereby one system of legality is terminated and another originated."

Edwards insists that it takes at least three generations to develop a revolution. His reasons for this assertion are simple (Ibid., p. 17):

> "When a given social institution begins to function badly the generation then alive, the first generation to suffer, can remember it when it functioned well and believe that it can be restored to [402] useful activity by means of some minor reforms. This belief proves er-

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

roneous, but the second generation are brought up to hold it, and in any case they have heard the first generation tell personal experiences of the former successful functioning of the detrimental institution. So the second generation still love and venerate it, in spite of its increasing social inadequacy. The third generation experiences continually greater frustration of their elemental wishes as the institution becomes more and more archaic. Since they find nobody who has had personal experience of its successful functioning, the harmful institution is sometimes destroyed by the third generation of those it harms. This, however, is very rare. Generally the third generation still have a strong attachment to the old institution, an attachment in part derived from tales of its former excellence, heard in early youth from grandparents and other elderly persons. In the great majority of cases it is in the fourth generation, or later, that the overthrow of the old institution occurs."

He makes other observations regarding revolutions. For example:

"Revolutions do not occur when the repressed classes are forced down to the depths of misery. Revolutions occur after the repressed classes, for a considerable time, have been in

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

the enjoyment of increasing prosperity. A marked increase of power, intelligence and wealth in the repressed portion of society is a phenomenon invariably found in the period preceding any great revolution. It is one of the most important symptoms of future upheaval." (Ibid., p. 36.)

"The mental and emotional preparation for revolution is only complete when any casual crowd of members of the repressed class can be depended upon to act in a revolutionary capacity consistently and over a long period of time. All revolutionary factors are [403] of slow development, but the revolutionary mob is slowest of all. Perhaps no current opinion is more erroneous than the notion that the actions of mobs are sudden and unpredictable." (Ibid., p. 99)

"There is much popular exaggeration of the role of mobs in revolution. Mobs do not play an essential part in certain revolutionary crises, but these crises are few and in some important revolutions they never occur at all. Even in the French Revolution, where mob action was most conspicuous, it played a decisive part only on five or six days during more than that number of years. In the Russian Revolution the mob was of importance only twice—in February and October of 1917. In the American Revolution

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

mobs were never a decisive factor. The same is true of the Puritan Revolution." (Ibid., pp. 100-101.)

In the popular mind revolutions are associated with violence, terror, massacre, wholesale executions and a tremendous loss of life. Edwards discounts this. He also points out that while a revolutionary overthrow of a regime means the replacement of one authority by another, it also tends to place the government in more capable hands.

"The terror of the French Revolution is by far the most famous. But its fame far exceeds its real importance. One hundred and seventy-eight revolutionary tribunals were set up in various parts of the country. That of Paris guillotined 2,625 persons. The total number of victims in all France was about 17,000, including 1,200 women. Not all were aristocrats; 4,000 were peasants and 3,000 workingmen. These numbers in themselves are great and horrible, but they are quite insignificant compared to the number of lives lost either in the internal insurrections or the foreign wars. More than 400,000 persons perished in the revolt of the Vendee, while 700,000 French soldiers were killed in the foreign wars from 1792 to 1800. If it be calculated that the terror did no more than [404] prevent one other revolt such as the Vendee, it saved twenty-five lives for every one it

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

lost. There can probably be little doubt that it did more than that. It was horrible, atrocious and devilish beyond words, but it was effective, as the behavior of the enemies of the Revolution proved. Even though the terror in the hands of the leaders of revolution is conceived merely as a form of civil warfare, a device for securing at the least expense the ends for which revolutions are inaugurated, it is always something more. It is like the revolution itself—a great natural phenomenon—a phenomenon which can be controlled, more or less, and directed, but not wholly and forever suppressed." (Ibid., pp. 180-1.)

"Persons not familiar with the history of revolutions sometimes assert that the Russian Revolution ended in failure because the present Russian government is just as autocratic as the old-time czardom. It undoubtedly is so, but in that respect it runs true to the revolutionary type. A revolution does not diminish the power of a central government in any essential particular; it rather increases it. Clarendon was quite correct when he asserted that the Parliament, in the days of Charles II, was more powerful than Charles I had ever been, and just as arbitrary. Patrick Henry told the exact truth when he said that the American Constitution gave the President and Congress more

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

power over the states than George III and his Parliament had ever exercised over the colonies. Napoleon was quite as despotic as Louis XVI. Lenin was more of a czar than Peter the Great, and the power now exercised by the Soviet is to all intents the same as that formerly exercised by the Romanoffs. But a revolution works a real change, nevertheless. It does not diminish the power of the government, but it does take the exercise of governmental power out of inefficient hands and put it into capable hands. It deposes an incompetent, [405] archaic ruling class and substitutes a competent, up-to-date ruling class. This is a gain. All government is oligarchical, but it makes a difference whether the government oligarchy represents the capable or the incapable classes of society. It is no objection to a government that it exercises authority—that is what it is for. A revolution comes when a government does not exercise authority well." (Ibid., pp. 205-6.)

The primary motive of Marx, Engels and Lenin was to attain political control: the means of attaining control were secondary. However, both Marx and Engels seem to have pinned their hopes on democracy. This is illustrated in their more mature writings (Correspondence of Marx and Engels, "Engels to Turati," London, January 26, 1894, p. 522).

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

"And Marx has said that the bourgeois republic is the only political form in which the struggle between proletariat and bourgeoisie can be resolved."

"If one thing is certain it is that our Party and the working class can only come to power under the form of a democratic republic. This is even the specific form for the dictatorship of the proletariat, as the great French revolution has already shown. * * *" (Ibid., p. 486.)

In his Introduction to Marx's The Class Struggle in France, Engels clearly points out the advantages of democratic processes. It is important to note that this introduction was written in 1895 after the franchise had been extended to the working classes and they had availed themselves of its advantages. (Vol. XXIV in the Marxist Library, Works of Marxism-Leninism, New York, International Publishers, pp. 20-21.)

"And if universal suffrage had offered no other advantage than that it allowed us to count our numbers every three years that by the regularly established, unexpectedly rapid rise in the number [406] of votes it increased in equal measure the workers' certainty of victory and the dismay of their opponents, and so became our best means of propaganda; that it accurately informed us concerning our own strength

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

and that of all hostile parties, and thereby provided us with a measure of proportion for our actions second to none, safeguarding us from untimely timidity as much as from untimely foolhardiness—if this had been the only advantage we gained from the suffrage, then it would still have been more than enough. But it has done much more than this. In election agitation it provided us with a means, second to none, of getting in touch with the mass of the people, where they still stand aloof from us; of forcing all parties to defend their views and actions against our attacks before all the people; and, further, it opened to our representatives in the Reichstag a platform from which they could speak to their opponents in Parliament and to the masses without, with quite other authority and freedom than in the press or at meetings. Of what avail to the government and the bourgeoisie was their Anti-Socialist Law when election agitation and socialist speeches in the Reichstag continually broke through it?

"This successful utilisation of universal suffrage, an entirely new mode of proletarian struggle came into force, and this quickly developed further. It was found that the state institutions, in which the rule of the bourgeoisie is organized, offer still further opportunities for

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

the working class to fight these very state institutions. They took part in elections to individual diets, to municipal councils and to industrial courts; they contested every post against the bourgeoisie in the occupation of which a sufficient part of the proletariat had its say. And so it happened that the bourgeoisie and the government came to be much more afraid of the legal than of the illegal action of the workers' party, of the results of elections than of those of rebellion." [407]

Finally, in connection with the overthrow of government, we have to consider the Marxist theory of the state, the "dictatorship of the proletariat," and "withering away of the state."

Marx and Engels do not consider the state as eternal. They think of the state as a product of historical evolution and as an instrument of oppression of one class by another. It is in this sense that they refer to the "contemporary form of the state." This is illustrated by the following quotation from Marx (Critique of the Gotha Program, International Publishers, New York, 1933, p. 44):

"Nevertheless the different states of the various civilized countries, in spite of their varied diversity of form, all have this much in common, that they stand on the basis of modern bourgeois society, however much one

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

may be more and another less capitalistically developed. They have therefore certain essential characteristics in common. In this sense it is possible to talk of the 'contemporary form of the state' in contrast to the future in which its present root, bourgeois society, will be destroyed."

Engels, in his Origin of the Family, Private Property and the State, notes the tremendous change in social relationships occurring with the transition of society from tribal institutions to the state.

"The gentile (tribal) constitution had grown out of a society that did not know any internal contradictions, and it was only adapted to such a society. It had no coercive power except public opinion. But now society had developed that by force of all its economic conditions of existence divided humanity into freemen and slaves, and exploiting rich and exploited poor. A society that not only could never reconcile these contradictions, but drove them ever more to a climax. Such a society could only exist by a continual open struggle of all classes against one another, or under the supremacy of a third power that under a pretense of standing above [408] the struggling classes stifled their open conflict and permitted

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

a class struggle only on the economic field, in a so-called 'legal' form. Gentilism (tribalism) had ceased to live. It was crushed by the division of labor and by its result, the division of society into classes. It was replaced by the State." (P. 205.)

And so, according to Engels, the state arose as an instrument of oppression and exploitation of the masses by a powerful class.

"The state is the result of the desire to keep down class conflicts. But having arisen amid these conflicts, it is as a rule the state of the most powerful economic class that by force of its economic supremacy becomes also the ruling political class and thus acquires new means of subduing and exploiting the oppressed masses." (Ibid., p. 208.)

Engels is convinced that such an institution is only transitory. This is illustrated by the following quotation from the Origin of the Family, Private Property and the State (pp. 211-212)

"The state, then, did not exist from all eternity. There have been societies without it, that had no idea of any state or public power. At a certain stage of economic development, which was of necessity accompanied by a division of society into classes, the state became the

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

inevitable result of this division. We are now rapidly approaching a stage of evolution in production, in which the existence of classes has not only ceased to be a necessity but becomes a positive fetter on production. Hence these classes must fall as inevitably as they once arose. The state must irrevocably fall with them. The society that is to reorganize production on the basis of a free and equal association of the producers, will transfer the machinery of state where it will then belong; into the Museum of Antiquities by the side of the spinning wheel and the bronze ax." [409]

If we consider the state, in the Marxian sense, as an instrument of class domination, we realize that a proletarian revolution cannot be consummated by a mere overthrow of government. According to Marxian doctrine, political institutions are a reflection of social and economic relationships. In The Poverty of Philosophy (p. 90) Marx says:

"Truly it is necessary to be entirely innocent of all historical knowledge not to know that in all times sovereigns have had to submit to the economic conditions and have never made laws for these. Legislation, political as well as civil, could do no more than give expression to the will of the economic conditions."

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

According to Marxian theory, the changes in social and economic relationships effected by the consummation of a proletarian revolution would be so drastic that old political forms would be inadequate. The state itself, since it is an instrument of class exploitation, would disappear. It is in this sense that we must consider such phrases as "the destruction of the state," "abolition of the state," "shattering the state," "exploding the state," etc. To the layman, such words appear subversive. To the student of Marxian theory, they serve to distinguish between the proletarian revolution and the mere overthrow of government.

But unlike the Anarchists, Marx, Engels and Lenin insist that the elimination of the political state cannot occur all at once. Lenin points this out in "The Tasks of the Proletariat in Our Revolution" (Collected Works of V. I. Lenin, New York, International Publishers, 1929, Vol. 20, p. 140):

> "Marxism differs from Anarchism in that it admits the necessity of the state and state power in a revolutionary period in general, and in the epoch of transition from capitalism to Socialism in particular.
>
> "Marxism differs from the petty-bourgeois, opportunist [410] 'Social-Democracy' of Plekhanov, Kautsky and Co. in that it admits the necessity for the above-mentioned periods of

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

a state not like the usual parliamentary bourgeois republic, but like the Paris Commune."

A better statement of the necessity of continuing the state during the period of transition from capitalism to socialism is contained in the Critique of the Gotha Program ("Appendices," p. 58.)

"They (The Anarchists) say that the proletarian revolution must begin with the abolition of the political organization of the State. But after the victory of the proletariat the State is the only organization which the working class can take in its hands and set going. Maybe that State needs immediately big changes before it can fulfill its new functions. But to smash it altogether at such a moment would mean to break the only instrument through which the victorious proletariat can realize its newly conquered power, suppress its capitalist enemies and carry through that economic revolution in society without which victory must inevitably end in the defeat and wholesale massacre of the workers, as was the case after the Paris Commune."

What form will the state assume during this period of transition? Marx provides the answer. (Ibid., pp. 44-45.)

"Between capitalist and communist society lies a period of revolutionary transformation

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

from one to the other. There corresponds also to this a political transition period during which the state can be nothing else than the *revolutionary dictatorship of the proletariat.*"

Here we encounter difficulties in the use of terms. In common usage, dictatorship implies rule by one or at most by a small group. This is the exact opposite of the Marxian use of the term. Marxian theorists oppose the dictatorship of the proletariat to the [411] dictatorship of the bourgeoisie and insist that under the former you have dictatorship by the vast majority, while under the latter you have it by a small group. Lenin brings out this distinction between majority and minority suppression as follows (The State and Revolution, p. 125):

"* * * The State is a 'particular power of suppression.' This splendid and extremely profound definition of Engels is given by him here with complete lucidity. It follows therefrom that the 'particular power of suppression' of the proletariat by the capitalist class of the millions of workers by a handful of rich, must be replaced by a 'particular power of suppression' of the capitalist class by the proletariat (the dictatorship of the proletariat)."

Regarding the forms which the proletarian dictatorship will assume, Lenin says (Ibid., p. 142)

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

"The forms of bourgeois States are exceedingly various, but their substance is the same and in the last analysis inevitably the *Dictatorship of the Bourgeoisie.* The transition from capitalism to Communism will certainly bring a great variety and abundance of political forms, but the substance will inevitably be: The Dictatorship of the Proletariat."

Apparently the form is of minor importance; it is the substance that really counts. To the layman it may seem paradoxical, but to a student of Marxian theory it is quite consistent to find Lenin paraphrasing Engels, and associating the dictatorship of the proletariat with democracy. (Ibid.)

"Engels repeats here in a particularly emphatic form the fundamental idea which runs like a red thread throughout all Marx's work, namely, that the democratic republic is the nearest approach to the dictatorship of the proletariat. For such a republic— [412] without in the least setting aside the domination of capital, and, therefore the oppression of the masses and the class struggle—inevitably leads to sharpening of that struggle that, as soon as the possibility arises of satisfying the fundamental interests of the oppressed masses, this possibility is realized inevitably and solely in the dictatorship of the proletariat, in the guidance of these masses by the proletariat."

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

Lenin's definition of the dictatorship of the proletariat indicates that he viewed it as a mass movement aimed at the establishment of socialism. (Quoted in Stalin, J., Leninism, International Publishers, New York, Vol. 1, p. 109.)

> "The dictatorship of the proletariat is a special form of class alliance between the proletariat, the vanguard of the toilers, and the numerous non-proletarian strata of toilers (the petty bourgeoisie, the small masters, the peasantry, the intelligentsia, etc.,) or the majority of these; it is an alliance against capital, an alliance aiming at the complete overthrow of capital, at the complete suppression of the resistance of the bourgeoisie and of any attempt on their part at restoration, an alliance aiming at the final establishment and consolidation of socialism."

This is in line with Lenin's description of the soviets. (Ibid., p. 127.)

> "The Soviets are the new state apparatus, which, in the first place, represents that armed force of the workers and peasants, a force that is not divorced from the people, as was the force of the old standing army, but is bound up with them as closely as possible. In a military sense, this force is incomparably more mighty than the former; in the revolutionary

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

sense it is second to none. Second, this apparatus represents a link with the masses, with the majority of the people, that is so intimate, so indissoluble, so readily verifiable and renewable, that nothing [413] like it was even approached in the former state apparatus. Third, this apparatus, because it is elective and subject to recall in accordance with the will of the people without any bureaucratic formalities, is far more democratic than were the former ones. Fourth, it represents a firm connection with the most diverse occupations, thus facilitating all sorts of most radical reforms without any bureaucracy. Fifth, it represents a form of organization of the vanguard, i.e., of the most class conscious, most energetic, most progressive section of the *oppressed* classes of the workers and peasants, and is thus an apparatus whereby the vanguard of the oppressed classes can elevate, educate and lead in its train the whole *gigantic mass* of these classes which until now have stood absolutely outside all political life, outside history. Sixth, it makes it possible to combine the advantages of parliamentarism with the advantages of immediate and direct democracy, i.e., to unite in the persons of elected representatives of the people both legislative and *executive* functions. Compared with bourgeois parlaimentarism, this is a step for-

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

ward in the development of democracy which has historical world significance * * * Had not the popular creativeness of the revolutionary classes given rise to the Soviets, the cause of the proletarian revolution in Russia would have been hopeless, for there is no doubt that with the old state apparatus, the proletariat could not have retained power, while it is impossible to create a new apparatus all at once."

We have noted the Marxian thesis that the political state evolved historically as an instrument of exploitation of one class by another. We have also noted that the dictatorship of the proletariat is considered as a transitory period from capitalism to socialism. The conclusion should be obvious, that to the extent that the exploiting class is eliminated during this period, the state will, as Engels puts it, "wither away." This is the basis [414] for the phrase, "the withering away of the state." Since it is an instrument of exploitation of classes by class, the state serves no purpose in a classless society. This is clearly set forth in the Communist Manifesto (p. 42:)

"When, in the course of development, class distinctions have disappeared, and all production has been concentrated in the hands of a vast association of the whole nation, the public power will lose its political character. Political power, properly so-called, is merely the organ-

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

ized power of one class for oppressing another. If the proletariat during its contest with the bourgeoisie is compelled, by the force of circumstances, to organize itself as a class, by means of a revolution, it makes itself the ruling class, and, as such, sweeps away by force the old conditions of production, then it will, along with these conditions, have swept away the conditions for the existence of class antagonism, and of classes generally, and will thereby have abolished its own supremacy as a class.

"In place of the old bourgeois society, with its classes and class antagonisms, we shall have an association, in which the free development of each is the condition for the free development of all."

Marx and Engels do not only contemplate the elimination of class exploitation in any given country. They boldly assert that, to the extent that this is accomplished, peace among nations will follow (Ibid., pp. 38-39:)

"In proportion as the exploitation of one individual by another is put an end to, the exploitation of one nation by another will also be put an end to. In proportion as the antagonism between classes within the nation vanishes, the hostility of one nation to another will come to an end."

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

Such, briefly, is a summary of Marxian teachings. I realize [415] it is inadequate. But you cannot sum up nearly a century of Marxian teachings in the course of an hour or two. It is beside the point to consider whether Marxian philosophy is revolutionary, or radical. Such words are symbolical and lack definite connotation. The question is: Does it advise or advocate the overthrow of government by force or violence?

There is little new or startling in the attitudes of Marx and Engels towards the overthrow of government. When legal means have been wanting for redress of oppression, men have resorted to "illegal" means in the form of revolutionary action. Thus we find a justification for the American Revolution in the Declaration of Independence. Great Americans have endorsed such action. Abraham Lincoln, following in the footsteps of John Locke, viewed the revolutionary overthrow of government as a right. In his speech in the U. S. House of Representatives, arraigning President Polk for war against Mexico, he said (Life and Works of Abraham Lincoln, Centenary Edition, in Nine Volumes, Miller (ed.) New York, Current Literature Publishing Co., 1907, Vol. II, p. 128:)

> "Any people anywhere being inclined and having the power have the right to rise up and shake off the existing government, and form a new one that suits them better. This is a most

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

valuable, and a most sacred right—a right which we hope and believe is to liberate the world. Nor is this right confined to cases in which the whole people of an existing government may choose to exercise it. Any portion of such people can revolutionize and make their own of so much territory as they inhabit. More than this a majority of any portion of such people may revolutionize, putting down a minority, intermingling with or near about them, who may oppose this movement. Such minority was precisely the case of the Tories of our own revolution. It is a quality of revolutions not to go by old lines or old laws; but to break up [416] both, and make new ones."

Political philosophers from Plato on have viewed revolutions as undesirable and have sought ways and means of avoiding them. The prevention most frequently prescribed is a peaceful adjustment of the conflicts arising from the gross inequality in the distribution of wealth and power. Thomas Jefferson was unique in that he not only viewed revolutions as a right, but considered rebellion a good tonic for the body politics. Commenting on Shay's Rebellion, he said (Jefferson's Writings, 10 vols., Ford, P. L. (ed.) G. P. Putnam's Sons, 1892, Vol. IV, p. 467:)

"What signify a few lives lost in a century or two? The tree of liberty must be refreshed

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

from time to time with the blood of patriots and tyrants. It is its natural manure."

In a letter to James Madison in 1787 he wrote (Ibid., P. 362:)

> "I hold it that a little rebellion now and then is a good thing, and as necessary in the political world as storms in the physical. Unsuccessful rebellions indeed generally establish the encroachments on the rights of the people which have produced them. An observation of this truth should render honest Republican governors so mild in their punishment of rebellion, as not to discourage them too much. It is a medicine necessary for the sound health of government."

A similar attitude is reflected in a letter addressed to Mrs. John Adams in the same year (Ibid., p. 370:)

> "The spirit of resistance to government is so valuable on certain occasions, that I wish it always to be kept alive. It will often be exercised when wrong, but better so than not to be exercised at all. I like a little rebellion now and then. It is like a storm in the atmosphere."

In summing up the utterances of the founders of Marxian Philosophy, we can say that what they desired to establish was a new [417] economic order and not a new political system or a new form of

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

government. In so far as they were concerned with politics at all, it was only because they regarded the state as the primary institution by means of which the prevailing economic system was maintained. Since they deemed this to be true, it followed that the economic question was also a political question, and, in order to achieve the desired economic reform, it was necessary to gain control of the machinery of the state. Thus it was that they repeatedly defined the goal of their movement to be "the conquest of political power."

Contrary to popular belief, however, they did not specify the means by which political power was to be obtained. It is true that in some portions of their writings, notably the earlier ones, Marx and Engels seem to intimate that the seizure of power was to be obtained by force. This is not surprising when we consider that in the Europe of their youth the barricade was the normal manner by which one political regime was superseded by another.

Democracy is the only system of government yet invented which provides a legal and peaceful procedure by which one set of rulers may be supplanted by another; and democracy did not exist in most of the countries in which Marx and Engels lived and in terms of which they thought. And it seems to be inevitable that where no legal means exist for the redress of political grievances, men will justify the use of "illegal" means by proclaiming the right of

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

revolution. This is what John Locke did in order to guarantee inalienable rights. Abbe Sieyes took a similar position in justifying the overthrow of the old regime in France. Patrick Henry and Thomas Jefferson also resorted to this view for the simple reason that no legal or orderly procedure was available. As for Washington, blunt and forthright farmer and soldier, he did not harangue about the right of revolution; he simply revolted. [418]

Though Marx and Engels were willing to countenance the use of "illegal" means in countries where no other methods were available, they were quick to point out that where other agencies existed they were preferable to the street fight and the barricade. I have already noted that Marx specifically mentioned both England and the United States as countries where power might be achieved by democratic procedure. When it is remembered that England and the United States at that time were the only two major countries where the democratic process held sway, the import of these two exceptions is clear. It may even be construed as an injunction to his followers that where the democratic method is available, it should be used. Engels, writing in the latter years of his life, when democratic procedure had become more widely adopted and firmly entrenched, was especially insistent against the use of illegal or violent methods. Thus he wrote (Introduction to The Class Struggle in France, p. 25:)

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

"The time of surprise attacks, of revolutions carried through by small conscious minorities at the head of unconscious masses, is past."

The proletariat could and should rely on the ballot because they are or will be a majority and in a free and popular government it is the majority which rules. Engels implies that in the end it is the opponents of Socialism, rather than the Socialists themselves, who will be forced to resort to illegal means.

Lenin seems to have followed in the footsteps of Marx and Engels both in theory and practice. In his famous April Theses (May, 1917,) written only a few months before the Soviets seized power, he did not advocate the overthrow of the government by force, but advised immediate agitation "for a republic of Soviets of workers', landworkers', and peasants' deputies embracing the whole country and all strata of the workers." (Encyclopaedia of the [419] Social Sciences, vol. II, p. 627.) It was not until the existing political and economic order had broken down that the Soviets organized the armed seizure of power which constituted the November (October) Revolution. (Ibid.)

Finally, we should note that advocacy of violence is incompatible with the fundamental premises on which Marxism rests. Advocacy of violence implies that men can be induced to revolt by reasons of

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

appeals addressed to them by an advocator. More explicitly it implies that men act by reason of persuasion rather than because conditions impel them to act. This is a notion Marx flatly rejected.

Marxism is basically a theory of history which assumes the shape of a science of social development. As such it takes its stand on the theory that a certain sequence of historical developments is predictable. In so far as the development is predictable it may be controlled, but only within certain limits. Marx argued that Communism would come not because men willed it but because it was an inevitable consequence of historical development. And so with revolution. Men would not revolt because they were urged to revolt—it would be futile to ask them to do so—but only because they would be forced by their conditions to take such extreme action.

I have tried to explain as briefly and clearly as possible the views of Marx, Engels and Lenin on the role of violence in revolution. I do not presume to know or to say whether the Communist Party of the United States adheres to these views. However, if the Party does advise or advocate the overthrow of the government of the United States by force or violence, it is departing from the teachings [420] of Marx and Engels, not only in theory but in practice.

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

Whatever else one may think of these gentlemen, he must admit that they possessed intelligence and were given to realistic appraisals of the conditions and possibilities about them. That they would have advised a relative small band of their followers to advocate the overthrow of the government of the U. S. A. by force or violence is too ridiculous to warrant consideration.

(Whereupon, at 3:35 o'clock p. m., and adjournment was taken to August 17, 1939, at 9:30 o'clock a. m.) [421]

August 17, 1939

WALTER THOMPSON,

recalled.

Cross Examination

(continued)

By Mr. Shoemaker: Q. Professor Thompson, I want to hand you some of the Government's exhibits, being books which have been introduced into evidence here, and ask you to pick out separately and distinctly, if you will, please, different piles of the ones you have read and the ones you have not read.

Trial Examiner Landis: Off the record.

(Remarks off the record)

A. These I have not read (indicating.)

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

Trial Examiner Landis: Certain exhibits having been shown to the witness, the witness states that he has read the following exhibits:

Government's Exhibit 98, Government's Exhibit 59, Government's Exhibits 60, 57, 81, 71 and 69.

He stated that he had not read Government's Exhibits 90, 61, 64, 58, 72, 91, 89, 93, 82, 70, 73, 74, 75, 77, 62, 79, 76, 66, 67, 65, 68, 83, 78, 80, 63 and 88.

By Mr. Shoemaker: Q. Professor, how many volumes of Marx are there in existence?

A. Well, in the Gesamtgabe, that is, of Marx and Engels, there are 15 volumes. That is the most complete set.

Q. Well, then, there are not 40 volumes; is that correct, as far as you know?

A. There may be 40 volumes. This is a compilation. It is in 15 volumes.

Q. Do you know how many have been translated into English? A. No; I don't.

Q. Have you read those that are in German, or have you read them in English?

A. I have read them in English.

Q. You have?

A. Yes. What I have read of Marx has been in English. [422]

Q. Do you know any Communists, or persons who are members of the Communist Party of the U. S.?

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

A. Oh, I couldn't say I know them. I have met one or two.

Q. Will you tell us who they are, please?

A. Well, I met Lincoln Steffens just to shake hands with him after a lecture.

Q. Do you know whether he is a Communist or not? A. I am not sure.

Q. Do you know any other Communists?

A. I met Betty Gannett.

Q. Anyone else, Professor?

A. That is all.

Q. Have you ever been to Russia.

A. I have not; no.

Q. Will you tell us when you began to study Communism?

A. Oh, it must have been along in 1911 when I was in college.

Q. Will you tell us when you began an intense study of the subject, if such is a fact?

A. I would say, about ten years ago.

Q. Have you continued your study?

A. I have continued to study, yes.

Q. I notice you picked out certain books of the Government's exhibits. Will you tell us any other books whose names you recall which you have studied in connection with this subject?

A. Well, there are Marx; a number of books by Marx; the "Critique of Political Economy"; and Marx's "Wage, Labor and Capital"; "Value, Price

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

and Profit"; "The Civil Wars in France"; "The Class Struggle in France"; "The Brumaire of Louis Napoleon"; and "Poverty of Philosophy."

Q. That is sufficient unless you want to name some others, Professor. Have there been any others of considerable number, for instance, that you have read on this subject?

A. Oh, yes, there are others. I neglected to name one; that is "Capital."

Q. "Capitalism"? A. "Capital."

Q. Is your knowledge of the Communist Party based entirely on the written word, or your study of the books and pamphlets and articles?

A. Yes. [423]

Q. You have no particular knowledge, I take it, of the practices of Communism? A. No.

Q. Would you know whether or not the Communist Party would be likely to put on a front as a blind to cover up their practices?

A. Oh, I wouldn't know about that.

Q. Do you believe, after your study of Communism, that the philosophy of Marx or Lenin would be advantageous to the Government of the United States, in so far as supplanting our democracy is concerned? A. No; I wouldn't say that.

Q. Do you have any knowledge of any particular principles of the Communist Party which you would believe would be advantageous to adopt in the United States? A. No.

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

Q. I gather from your article, Professor, that you are satisfied that the Communist Party does not believe in the overthrow of the government by force and violence; is that correct?

A. Not the Communist Party; my contention is that if they advocate that, why, they are not true to Marxist teachings.

Q. Well, doesn't your last statement on the last page of your article indicate a little bit more than that, Professor? You are talking about Marx and Engels there; the last two sentences:

> "Whatever else one may think of these gentlemen, he must admit that they possessed intelligence and were given to realistic appraisals of the conditions and possibilities about them. That they would have advised a relatively small band of their followers to advocate the overthrow of the Government of the United States by force or violence is too ridiculous to warrant consideration."

Then, if what you say is true, in view of the Government's charges in this case, you would state, then, that if the Communist Party in the U. S. A. does believe in the overthrow of the government by force and violence, they are disregarding the teaching of Marx; is that correct?

A. That is quite correct. [424]

Q. Would that be equally true of Lenin—the teachings of Lenin?

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

A. Well, Lenin repeatedly asserted that he was following Marx.

Q. Yes, I understand that he asserted it, but if I understand language correctly—and we will come along to that later on, whatever he may have asserted—it is the Government's contention that he in fact did believe in the use of force and violence, as expressed in the written word in his various booklets.

A. But he qualified that, that you had to have a revolutionary situation.

Q. Well, of course, I know that contention that the revolutionary situation must exist in order that force and violence may be used; but it is the Government's contention that without the revolutionary condition to which you refer and Mr. Lenin refers, the Communist Party is working for the overthrow of the Government of the United States by force and violence. So we will have to come to that a little bit later on, too. Do you think that a man would be a good union man in the American labor movement if he does not believe in Democracy?

A. No; I don't think so.

Q. You haven't read "The Problems of Leninism," have you? You have read the "Foundations," I take it, but not——

A. (Interrupting) I should have mentioned that some of those I have read, years ago. I picked out those that I have read.

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

Q. Well, I will pass those up. I want you to understand, Professor, before I go further, that there are absolutely no trick questions in any manner, shape or form. It is simply a clear statement, so far as I can make a question clear, and I am asking you to respond to it with the same thought in mind, and not to feel that you are to be concluded by what might be termed a statement made while off guard. I have no intention of propounding any such questions or concluding you; so, if you don't understand any question [425] that I ask, please ask me to repeat, will you? Will you tell us what you believe is the dictatorship of the proletariat and its purpose?

A. Well, I wouldn't express my own belief. I would have to take the statement of Lenin with regard to the dictatorship of the proletariat.

Q. All right, sir. What does Lenin state is the dictatorship of the proletariat, as far as your recollection goes?

A. Well, I have covered that in my written statement. I can summarize the thing briefly.

Q. Would you, please?

A. I can summarize it briefly by saying that you have a proletariat and also a large group of peasants and tradesmen, small tradespeople, constituting a vast majority of the population; and that after they had assumed control the dictatorship of the

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

proletariat would carry on during the period of transition from capitalism to socialism.

Q. And if the dictatorship of the proletariat does not result in what the Communists think, that is to say, the establishment of Communism, what do you think will be the result, so far as the dictatorship of the proletariat is concerned?

A. I am not prepared to say.

Q. Will that condition exist, to your belief?

A. I am not prepared to answer that; I don't know.

Q. In your opinion does the mere fact that a specified group calls itself Communists prove that there is nothing in their teachings but pure Marxism as a theory? A. No, I wouldn't say that.

Q. Could you visualize a party calling itself Marxist in theory and at the same time directing its activity and advocating force and violence to obtain the same objectives as Marxism?

A. I couldn't see that.

Q. You don't think that would be possible?

A. It might be possible.

Q. Do you think it would be probable? [426]

A. That is, using Marx as a basis for their theories?

Q. Yes.

A. And then advocating force and violence?

Q. Yes.

A. I don't think it would be probable.

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

Q. Do you think it would be true as far as Leninism is concerned?

A. Well, Leninism is really Marxism brought up to date.

Q. In other words, then, I take it that you believe that Leninism is simply a follow-through for Marxism; is that correct?

A. It is applied Marxism to a more modern situation.

Q. You would say definitely that Marx did not advocate force and violence; is that correct?

A. Well, I wouldn't say definitely. In his earlier writings there is an implication that you may have to resort to force and violence.

Q. I recall your statement.

A. And we have to keep in mind that is the only recourse that any class would have to replace another class. In his later writings he advises against force and violence very definitely.

Q. Do you think that Lenin followed him in that theory?

A. Well, the history of the Revolution in Russia would indicate that Lenin did.

Q. Do you regard his writings, the writings of Lenin, as indicating that no force and violence should be used other than the so-called chaotic period that is bound to ensue or the revolutionary period that will obtain?

A. Well, we would have to keep in mind the

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

time at which those writings appeared and also the conditions under which they were written.

Mr. Shoemaker: Read the question, please.

(The question referred to was read by the reporter as above recorded)

By Mr. Shoemaker: Q. I don't think your answer was exactly responsive, Professor.

A. My answer was that we have to keep in mind the time at which his writings took place and also the conditions under which they took place.

Q. Granted that is a fact, do you believe that Lenin didn't depart [427] in any manner, shape or form from Marx in so far as force and violence is concerned?

A. Well, if we take the "State and Revolution," you will find some rather violent expressions there, but that is an answer to the anarchists and certain social democrats. You also have to keep in mind that that work came out between the February revolution and the October revolution in 1917.

Q. Do you believe that a construction of his statements, as you have it, means that a revolutionary period must obtain before he advocates the use of force and violence?

A. Yes; I would admit that you have to have a revolutionary situation.

Q. Do you believe, for instance, that he might advocate the use of force and violence to obtain or to further so-called revolutionary period?

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

A. That would go contrary to the teachings of Marx.

Q. Granting that is a fact, isn't it possible to construe Mr. Lenin as advocating exactly that?

A. As advocating what?

Q. That force and violence could be used to further the interests of Communism. In other words, that the revolutionary period might not merely happen, but could be made by certain activities of the Communist group?

A. Well, not activity involving force and violence. There would be any number of other activities, that is, organization and the developing of party and work of that sort.

Q. Then your answer is that Mr. Lenin did not advocate the use of force and violence to further the so-called chaotic period or revolutionary status or period which he anticipated was bound to follow: is that correct? A. Will you repeat that?

Mr. Shoemaker: Read the question, please.

(The question referred to was read by the reporter as above recorded)

A. From my reading of Lenin I would say that is not correct; that is, he did not advocate the bringing about of a revolutionary [428] situation.

Q. Are you familiar with the program of the Communist Internationale? A. No; I am not.

Q. Do you have any knowledge of it at all, Professor?

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

A. Oh, just what any other man might have from reading newspapers.

Q. Are you familiar with any of the pamphlets —Withdraw that. Would you say that the present regime in the Soviet Republic came into power by force and violence, or without force and violence?

A. Well, we would have to go back, that is, to the history of—to 1917, and the only agency there through which you would find a popular expression were the Soviets, and the Soviets were not created by the Bolsheviks; they go back to 1905. And in the provisional government there was no chance for any popular expression, to the provisional government. The only popular institutions you had were the Soviets, and during the period from February on, after the February revolution, the Bolsheviks were gaining a majority in the Soviets; and in July, when Kornilov tried to suppress the Soviets, that is, by a military group, we found the masses swinging over towards the Soviets, and most of those were the Bolsheviks.

Q. But the present regime in the Soviet Republic, as a matter of fact, came into power by force and violence, didn't it?

A. Well, in some places. In Petrograd there was practically no force or violence.

Q. Did force and violence obtain in any other place, in order to put the present regime in Russia in power?

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

A. Well, in Moscow you had a little more violence, because military cadets there opposed the movement.

Q. Then your answer, generally speaking, is, if I am correct—and you can correct me if I am not—that the present regime in Russia did not come into power by the use of force and violence, except in isolated instances; is that correct?

A. Well, that is probably too broad a statement, because—— [429]

Q. (Interrupting) Well, then you make it, if you will, please.

A. We had a long period of counter-revolution where there was force and violence, that is, where the old regime with the assistance of allies coming in there, a long period of civil war, but the revolution had already taken place.

Q. You think, then, that the present regime in Russia simply took over, and if any force and violence ensued it came after the coup had taken place: is that correct?

A. That was correct. In Petrograd and in Moscow—they were really the only places where they assumed control at the beginning.

Q. You don't regard, I take, Communism merely as a theory?

A. Oh, no, not entirely as a theory.

Q. I want to take your article there, if you will, Professor. I am going for the time being to skip

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

over a few pages—in fact, quite a few, going to page 31. You will notice there that you refer to a statement by Abraham Lincoln. I hardly think that you would state or contend that the quotation on that page from Abraham Lincoln is a justification in any manner for fomenting discord and creating class hatred with the ultimate aim of over throwing the Government of the United States, would you? A. No.

Q. Notice again the last paragraph on page 31:

> "Political philosophers from Plato on have viewed revolutions as undesirable, and have sought ways and means of avoiding them. The prevention most frequently prescribed is a peaceful adjustment of conflicts arising from the growth in equality in the distribution of wealth and power. Thomas Jefferson was unique in that he not only viewed revolution as a right, but considered rebellion a good tonic for the body politic."

You are not quoting what follows there from Jefferson with approval, I take it, are you?

A. No.

Q. You are simply adverting to it in connection with your article; [430] is that correct?

A. Yes, to show that Communist—or the Marxist theory does not have a monopoly on revolutions.

Q. Now, going down to the last paragraph on page 32:

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

"In summing up the utterances of the founders of Marxian philosophy, we can say that what they desired to establish was a new economic order and not a new political system or a new form of government."

Is this true of Lenin, of the Leninist philosophy as well as the Marxian philosophy?

A. Well, there we have to keep in mind that Lenin was thinking in terms of Russia, and in terms of Tsarist Russia.

Q. But it was a follow-through from the Marxian philosophy, wasn't it? A. Well, how——

Q. (Interrupting) Leninism was a follow-through from the Marxian philosophy, wasn't it?

A. Yes, that is generally true.

Q. Do you believe that it was applicable to Lenin as well as Marx, notwithstanding the fact that Lenin was treating as a later day as distinguished from Marx who was treating as an earlier day?

A. I should say it wouldn't be true of Lenin, as far as the Russian situation was concerned.

Q. Certainly Lenin was not trying solely to establish a new economic order, isn't that correct; that wasn't what he was concerned with at that time?

A. Well, that was what he was concerned with, but how you could ever establish a new economic order under Tsarist government is—well, I don't see how you could do it.

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

Q. Well, I am going to come to that later on, but I just want to get your views now in regard to that. You don't see how you could do it?

A. Not with the——

Q. (Interrupting) You don't see how you could establish economic reform without a political change of government? You surely don't mean that?

A. Well, I was thinking in terms of [431] the feudalistic setup in Russia.

Q. And I am thinking in terms of Marxism and Leninism philosophy. The point I have in mind is that whatever views that Marx might entertain with regard to economic reform, and whatever views he might hold with regard to the conquest of power being necessary to attain that economic reform, it didn't apply with equal force to Lenin; it was something separate and distinct that Lenin had in mind, and it is something separate and distinct that Lenin had in mind ever after that. In other words, there was just as sharp a cleavage from Lenin's philosophy of government as distinguished from Marxian philosophy of government, as there is from the Stalinistic theme as distinguished from the Leninistic theme. Now, do I make myself plain there? I say that they are separate and distinct theories and philosophies. Now, are you saying that they are one and the same thing?

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

A. Well, it wouldn't be one and the same thing. At the same time, we have to consider how that theory was applied.

Q. I grant that that was a fact, but I am going to bring out, or expect to bring out, in connection with the writings of Lenin and Stalin, that they are something separate and distinct and that something separate and distinct is contemplated by the Communist Party of the U. S. A., and we expect to show that they believe in the overthrow of the Government of the United States. That is the point I want to get clear in my mind as to your views in regard to that.

Trial Examiner Landis: I would like to interrupt there, Mr. Shoemaker. Is that the Government's contention, that Communism is a political theory—that the political theory of the Communist Party of the United States of America is not only something different from the political theories of Marx, but it is so different that Marxism has no relationship to it? [432]

Mr. Shoemaker: Oh, no, I don't say that. I say this:

It is the Government's theory—that is only in part, but I say this: I am not concerned with trying to show that Marxian philosophy advocated the overthrow of the Government of the United States, or any other government, by force and violence particularly; I am concerned with trying to show that

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

Lenin advocated it definitely, beyond the peradventure of a doubt, in his writings, and I believe that Stalin went even further than Lenin, not only in his advocacy of certain philosophies but in his absolute actions. In other words, I believe that Stalin recognized, after he came into power, that the theories or the philosophies of Lenin were outmoded, they had passed their day, and Stalin has shown by his subsequent actions in getting rid of his so-called inner circle that he wasn't following the Marxian philosophy himself by a long way. And I say that Lenin by his writings clearly showed that he wasn't following the Marxian philosophy either.

Trial Examiner Landis: I would like to get that position thoroughly clear. Now, may I restate it?

Mr. Shoemaker: Yes.

Trial Examiner Landis: So I can under the contention. That whatever the Marxian philosophy advocated with reference to means whereby this revolution is to be brought about, Lenin, followed through by Stalin and perhaps, we will say, emphasized by Stalin, insisted that means that would arise out of the revolutionary situation to which Marx refers should be the advocacy of force and violence and that shaping of Marxism by Lenin and Stalin is essentially embodied in the political doctrine and teachings of the Communist Party of the United States?

Mr. Shoemaker: That is right, in part. Let me

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

make this clear to your Honor. Two professors have now testified, as I understand it, that the Marxian philosophy of government contemplated only a [433] revolutionary situation where Marxist theories would be put into practice. That Marxian state of revolution, without regard to what the professors say, I don't agree with or their conception of this certain period that will exist when the Marxian philosophy comes into power or being. But I am trying to meet their statement in that connection. Now, I say that, meeting that, Lenin went even much farther than Marx did, because Lenin wasn't so much concerned with the revolutionary period or era that would exist. Lenin was working for the international proletariat. He was working to accomplish something which he believed, as the professors state, would change not only the political shades in the world, but would change as well the economic shades. Stalin, after coming into power, recognized that not only had Marx been wrong, but Lenin as well was wrong, and that in order to accomplish these things which he believed were the solution of the problems of the world, put into execution a much farther, or a farther trend in that of action. Have I made myself clear?

Trial Examiner Landis: I would like to pursue that further to see whether I correctly state your contention again:

That being, we will say, the political theses of Stalin, those political theses are then being trans-

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

lated by the Communist Internationale which, in turn, uses a subsidiary, the Communist Party of the United States—I use the term merely as a symbol—in order to carry through these theses of Stalin?

Mr. Shoemaker: That is correct. Don't misunderstand that I am admitting for one instance in my remarks that Marx contemplated a peaceful revolution. I do not think he did.

Trial Examiner Landis: I understand. Your contention is, despite that, whatever may be said with reference to Marx, these things are true with reference to any Stalin?

Mr. Shoemaker: That is the reason I asked the question whether [434] this reference to Marxism is equally applicable to Lenin.

Q. If it was necessary to achieve economic reform by what they have termed the conquest of political power—that is stated in your article on page 33—what is the basis?

A. The basis for what?

Q. The basis for that statement:

> "Since they deemed this to be true, it follows that the economic question was also a political question, and, in order to achieve the desired economic reform, it was necessary to gain control of the machinery of the state. Thus it was that they repeatedly defined the goal of their movement to be 'the conquest of political power.'"

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

What is the basis for that statement?

A. You mean in Marx or Engels?

Q. No; of your statement.

A. You asked for the basis of it?

Q. You say "Since they deemed this to be true." I am just wondering how you arrived at that conclusion.

A. Well, we find in the writings of Marx and Engels and Lenin that you gain political control because the state is the one agency by which you may realize your economic reforms.

Q. You don't have any recollection of just where you find that, do you, Professor? In the abstract that might be true, but in order to obtain economic reform, so far as we see it, the conquest of power is not necessary. You could obtain economic reform without the conquest of power, state or otherwise?

A. I should say that the conquest of power does not mean conquest by force or violence necessarily.

Q. Well, let's say without force and violence. The conquest of power isn't essential or necessary to effect economic reform, is it?

A. You may have economic reform outside of political power.

Q. The point I had in mind, which I read from your article— [435] going on there to the second paragraph on page 33:

"It is true that in some portions of their writings, notably the earlier ones, Marx and

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

Engels seem to intimate that the seizure of power was to be obtained by force."

It just didn't—it says: * * * "seem to intimate that the seizure of power was to be obtained by force."

Didn't they actually say so?

A. Well, in the Communist Manifesto, I don't know exactly how the words read, but you have a strong implication that that would be the means that would be employed.

Q. It struck me it was a little more than that with you. I am perfectly willing to take your statement on that. Going over to page 34, and considering in its entirety those statements on that page: Even though Marx and Engels mentioned England and the United States as countries where power might be achieved by democratic procedure, do you know whether or not Browder has indicated in his writings, at least at times, the contrary?

A. To the contrary of this?

Q. Yes, in so far as England and the United States is concerned, and particularly the United States?

A. I don't know that he has implicated that.

Q. Well, we will come to that later on, too. I want to ask you some of your views with regard to his statements in his books. If you don't know it, you don't know the contrary, I take it, either, do you?

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

A. I haven't read much of Browder. I have read "What is Communism?"

Q. I think that is the only book here, Professor, that you have read; is that correct?

A. That is correct, by Browder.

Q. Going down now on page 34:

> "Lenin seems to have followed in the footsteps of Marx and Engels both in theory and practice. In his famous April Theses [436] written only a few months before the Soviets seized power, he did not advocate the overthrow of the government by force, but advised immediate agitation 'for a republic of soviets of workers,' land workers' and peasants' deputies embracing the whole country and all strata of the workers.' It was not until the existing political and economic order had broken down that the soviets organized the armed seizure of power which constituted the November (October) revolution."

That might be true so far as Russia is concerned, but so far as the United States is concerned do you believe it to be true?

A. Well, Lenin's account for a revolution puts it very clearly. He mentions that a revolution will occur when the upper class can no longer obtain the status quo and when the lower classes refuse to maintain it so when they come to that impasse, as

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

it happened in Russia, you have a revolutionary situation and you have a transfer of power from one class to another.

Q. Do you believe it applies with equal force to the United States? A. No; I do not.

Q. Take the second paragraph on page 35, Professor:

> "Marxism is basically a theory of history which assumes the shape of a science of social development. As such it takes its stand on the theory that a certain sequence of historical developments is predictable. In so far as the development is predictable it may be controlled, but only within certain limits. Marx argued that Communism would come not because men willed it, but because it was an inevitable consequence of historical development. And so with revolution. Men would not revolt because they were urged to revolt—it would be futile to ask them to do so—but only because they would be forced by their conditions to take such extreme action."

Do you think that Lenin and Browder, in their writings, [437] followed through in the Marxian philosophy as expressed in that statement?

A. I don't know about Browder. Lenin did in connection with the Russian Revolution.

Q. You feel confident of that, that Lenin did?

A. Yes; that he did in actual practice.

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

Q. So far as your last paragraph there is concerned, Professor:

> "I have tried to explain as briefly and clearly as possible the views of Marx, Engels and Lenin on the role of violence in revolution. I do not presume to know or to say whether the Communist Party of the United States adheres to these views. However, if the Party does advise or advocate the overthrow of the Government of the United States by force or violence, it is departing from the teachings of Marx and Engels not only in theory but in practice. Whatever else one may think of these gentlemen, he must admit that they possessed intelligence and were given to realistic appraisals of the conditions and possibilities about them. That they would have advised a relatively small band of their followers to advocate the overthrow of the Government of the U. S. A. by force or violence is too ridiculous to warrant consideration."

Well, of course, the Government differs with you directly, otherwise, I wouldn't be interrogating you right now. I would have much preferred to have simply let your article go into the record without any interrogation. But in view of those statements, I felt it necessary, in view of the fact that you have qualified as an expert, to go into these things. Now, supposing that Marxism is basically a theory, you

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

would hardly claim or contend that it assumes the shape of a science of social development, exact or definite or fixed, would you?

A. No, not a definite, fixed science in the terms of physics or chemistry, or something like that.

Q. Conceding for the moment, admitting for the moment without concluding the Government in any way and solely for the purpose of [438] argument, that Marx did teach what you state in the last paragraph on page 36, a lot of water has gone under the bridges since that time, of course. I believe you will concede that if his followers might obtain the establishment of Communism in the United States it is not too ridiculous to believe that that is the fact in the light of what Mr. Browder has stated, and what Mr. Lenin has stated; is that correct?

A. Well, I would qualify that. I don't know about Browder, but I would——

Q. (Interrupting) You have read "What is Communism?" I am going to read from that and ask your views on that later. Go ahead and finish. Pardon me for interrupting.

The Witness: Will you read the question, please?

Mr. Shoemaker: Read the question.

(The question referred to was read by the reporter as above recorded)

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

A. Well, for the sake of argument, I would say that Lenin and Browder both have followed in the footsteps of Marx.

Q. Then you wouldn't concede, for instance, for a minute, that Lenin and Browder would go beyond the philosophy and theory and the practices of Marx; is that correct?

A. That is correct.

Q. You don't know whether Lenin advised the workers to overthrow the Government of the United States, do you?

A. No; I don't know that he ever did.

Q. I think you said you didn't know anything about the application of the theories of Marxism and Leninism. That is correct, isn't it, Professor, that you don't know anything about the application of the theory, in other words, the practices and so forth of Marxism and Leninism?

A. Not the contemporary practices.

Q. Has the Communist Internationale and its various sections, including the American section too, consistently applied the Marxist and Leninist theory in developing the program of Communism?

A. I don't know. [439]

Q. You wouldn't be able to state that?

A. I wouldn't be able to state.

Q. I notice that you state there on page 14 of your statement, you asked the question on page 14 of your article, Professor: "What is a revolution?" May I ask you that question?

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

A. In my written statement it took me about seven pages single-spaced to answer that question. Briefly it is this: It is a transfer of power from one class to another.

Q. All right. I think you would concede that that wouldn't necessarily contemplate peaceful means and that force and violence might be used?

A. Force and violence might be used.

Q. Do you know anything about the establishment of the Hungarian Soviet Republic?

A. No.

Q. Nothing at all?

A. Well, I know that they had a Soviet Republic there for a few months in 1919 or 1920; I have forgotten which.

Q. Do you know why it was overthrown?

A. No; I don't.

Q. Do you know anything about the social democratic party there? A. In Hungary?

Q. Yes. A. No; not in Hungary.

Q. Well, may I make just a suggestion to you off the record——

Trial Examiner Landis: Off the record.

(Remarks off the record.)

Mr. Shoemaker: Q. Do you know anything about the establishment of the Communist leadership in the Bavarian Soviet Republic in April of 1919? A. No.

Q. You don't know how long that obtained, do you? A. No: I do not.

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

Q. But a very short time, Professor. I suggest off the record——

(Remarks off the record.)

Q. Do you know anything about the uprising in Germany in March, 1931?

A. In what connection was that?

Q. Where the Communists came in, the Communist Party came in and [440] took over, or tried to take over? A. In '31?

Q. In '21; March, 1921.

A. Well, I wouldn't be prepared to talk on that. I recall it, that is, from newspaper accounts at the time.

Q. You don't know anything about those in Saxony, do you, about 1923? A. No.

Q. Professor, do you know the difference between the Marxist group represented by the Socialist Party, and the Communist Party?

A. Where?

Q. In the United States.

A. Well, of course, I know they have a Socialist Party and the Communist Party.

Q. Do you know the difference between the two?

A. No; I wouldn't know the doctrinal points there that they would divide on. They both claim to be Marxian.

Q. Do you know whether or not the Socialists want to bring about a Socialist state through the ballot, or the use of the ballot; do you know that to be a fact? A. Yes.

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

Q. Do you know what the Communists say about that?

A. No. I thought they all wanted to bring it about by the use of the ballot.

Q. I think you have read "Why Communism?" by M. J. Olgin, haven't you?

A. Yes, several years ago.

Q. Well, the Communists say that it is impossible. Now, Olgin himself said that it is impossible. I can go into a long discussion of that, but I don't want to do it. But I do want to call your attention to that fact in passing.

Q. Well, on Olgin, in reading it I was not impressed with his ability on the Marxian theory, and I felt throughout that there was too much foam and too little beer in that volume. It reminded me of my boyhood days when the populace used to rant against Wall Street.

Q. After all, it is one of the Government's Exhibits—(Laughter)

Mr. Shoemaker: Well, maybe this will make you laugh a little bit more: It is published by the Western Worker, and it is sold in Communist bookshops. And you may laugh as much as you want about [441] Government's exhibits, but before you get through you have got to answer them or you have got to admit that the Government's charges are true; and I have yet to see anything, even the slightest, which indicates that you are able to answer them; however much you may get humor out of the situation.

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

Trial Examiner Landis: I think the humor was interjected by the Professor.

Mr. Shoemaker: The Communists thought enough of it to print a quarter of a million copies, and that is the Communist Party of the United States. As a matter of fact, many of these documents, even these documents which you have picked out here, Professor, are circulated, distributed, published, perhaps printed, and so forth, by the Communist Party of the United States; and that being the fact, it is a portion of the Government's case. And that includes Mr. Olgin as well as the others.

Q. Do you know whether it is a fact that the Communist Party advocated immediate relief measures? Do you know that?

A. Yes, they have.

Q. Do you believe that they advocate that in the view that they will be of any special advantage to labor? A. Oh, I don't know.

Q. Did it occur to you that they might advocate that as a means of attracting others to the Communist Party?

A. That never occurred to me any more so than any other political party advocating relief might attract members.

Q. Well, there has been testimony somewhat along that line here, Professor. Do you believe that the Communist Party ever strives to bring about a revolutionary situation?

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

A. Well, if they do they are not following Marx. You can't bring it about; it is something that comes by economic conditions and by historical development.

Q. Do you know that they say that the revolutionary situation doesn't just happen, it is made?

A. Well, it is made—that is, [442] it is made by men in creating their environment.

Q. You think, then, they wouldn't help in any manner, shape or form to create a condition where a revolutionary situation would be developed or helped along?

A. Well, according to Marx, they couldn't, that is, by advice or advocacy.

Q. But according to Lenin, or perhaps Browder, it could, couldn't it?

A. Well, according to Lenin you couldn't do it until a revolutionary situation arises, that is, where you had an impasse where the one class couldn't hold on and the other class wouldn't care to hold on.

Q. I am sorry you haven't read more books, Professor, because I would like to argue that out with you. There is a lot more you could have read.

A. Well, I have read a number that I would like to be quizzed on. I enumerated about 40 of them, I think.

Q. Well, naturally you would like to be quizzed on them, but I am quizzing you on the things I think are pertinent, and after all that is the thing

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

we want to bring out. You have offered yourself as an expert here, and presumably you would read the ordinary books, and those that the Government has introduced are just the ordinary books. Of course you would like to be quizzed on other books, and I have no doubt but that you could enlighten us on a lot of other books and a lot of things in there, too. I want to read you something from Earl Browder's "What is Communism?"; then I am going to ask you some questions on it:

> "The transfer of state power from the capitalist to the working class which begins the social revolution can be accomplished only under certain conditions which have an objective existence independent of the desires of the struggling classes. There must be what we Communists call the revolutionary situation. In this revolutionary situation the Communist Party, which has won the active support [443] of the majority of the working class and of the decisive sections of the other exploited classes, wins some of the armed forces to its side and leads the effective majority of the population to the seizure of state power.
>
> "There can be no such first step if there is no revolutionary situation, or if the Communist Party has failed to rally the support of the majority of the population.

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

"After this first step of taking power has been realized, the workers make use of the state power to take possession of the instruments of production."

I want to ask you now whether you think that the revolutionary situation which Mr. Browder refers to contemplates the use of force and violence to accomplish the purposes?

A. Well, according to that statement, when that situation arises they would have the majority of the population, that is, the working people and decisive groups, and a majority of the other groups.

Q. Well, I don't agree with that construction, and I will read it again to you:

"In this revolutionary situation, the Communist Party, which has won the active support of the majority of the working class, and of the decisive sections of the other exploited classes, wins some of the armed forces to its side and leads the effective majority of the population to the seizure of state power."

Now, they don't say anything about the majority of the people in the commonwealth numerically, anything of the kind; they are talking about the seizure of the state power. They are talking about armed forces. "Seizure" and "armed forces" mean something. What in your judgment do they mean? Do you think that force and violence is contemplated there?

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

A. Well, I still maintain that you would have a majority, and you would also have some of the armed forces on your side. [444]

Q. And I still maintain, if I understand United States language, that that doesn't mean a majority, and he doesn't say it either.

A. That you would have a majority of the working people?

Q. Let us read it again.

A. And other groups.

Q. Let us read it again, if you want to:

"In this revolutionary situation, the Communist Party, which has won the active support of the majority of the working class and of the decisive sections of the other exploited classes, wins some of the armed forces to its side and leads the effective majority of the population to the seizure of state power."

Mr. Gladstein: Excuse me. Would you care to read the passage from the book, Professor? You may want to look at the preceding paragraph or something.

Trial Examiner Landis: I think, incidentally, as it is time for our usual recess, we might as well take a few minutes.

(Whereupon a short recess was taken, after which proceedings were resumed as follows:)

Mr. Shoemaker: Shall I go ahead, your Honor?

Trial Examiner Landis: Yes.

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

The Witness: May I continue this question that was propounded to me?

Mr. Shoemaker: Q. Surely.

A. This is what Mr. Shoemaker read. My contention was that Earl Browder insisted on a majority of the population.

Q. All right, go ahead.

A. This is what you read:

"Under such circumstances the revolutionary will to power of the workers, their heroism, their self-sacrifice——"

Q. (Interrupting) You say "Mr. Shoemaker read": I think you have got it wrong there, Professor. I don't think I read any such stuff as that.

A. We will get over on this page: "There can be no such first step——" Is that it? [445]

Q. That is only part of what I read, yes; I did read that.

A. "In this revolutionary situation——"

Q. Yes, go ahead.

A. "--the Communist Party, which has won the active support of the majority of the working class, and of the decisive sections of the other exploited classes, wins some of the armed forces to its side and leads the effective majority of the population to the seizure of state power." You stopped there, didn't you?

Q. No. A. All right. We will go on:

"There can be no such first step if there is no

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

revolutionary situation, or if the Communist Party has failed to rally the support of the majority of the population."

Q. I read on.

A. "After this first step of taking state power has been realized, the workers make use of the state power to take possession of the instruments of production."

Q. There I stopped.

A. Yes, but my contention was that they would have a majority of the population.

Q. My contention is just the opposite, and I reiterate: What is the effective majority of the population? Does that mean anything to you?

A. But he states there can be no such first step if there is no revolutionary situation.

Q. No. The sentence above that, Professor?

A. "Win some of the armed forces to its side, and leads the effective majority of the population to the seizure of power. There can be no such first step if there is no revolutionary situation, or if the Communist Party has failed to rally the support of the majority of the population."

Q. All right.

A. That was my contention: that they would have to have a majority of the population before that first step can be taken.

Q. "And leads the effective majority of the population to the seizure of state power." [446]

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

Now, you contend one thing and I contend the other. Now, of course we can go on and argue that, and I don't see any purpose, because we have got other things to read and I don't want to take too much of your time. I know you want to get back to the university. So we are going to come to that, and I don't see any necessity of pursuing that any further unless you want to. I am willing to argue it with you, if you want to. A. No.

Q. Considering the reference to the "armed forces to its side" and the "seizure of state power," do you think Mr. Browder had any condition in mind where violence might obtain?

A. Well, you would have a majority there, and you would have a transfer of power.

Q. You mean now an effective majority, or the majority of the population?

A. Well, he stipulates a majority of the population.

Q. You think, then, that the first sentence means nothing, and the whole criterion of the sentence is that there can be no such first step unless the Communist Party has failed to rally the support of the majority of the population? You think that must be a condition precedent, as distinguished from a condition subsequent?

A. Well, I take it as both, an effective majority and also of a majority.

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

Q. You think they are both essential and condition precedent? A. They are, yes.

Q. Well, I still differ with you, as I say. Now, I am going to read—you have the book there—did you say you had read "The Problems of Leninism"?

A. I read that quite a while back.

Q. I want to read, in relation to that one thing, something that has just been handed to me. This is by Josef Stalin:

> "But we say: Let the revolutionary proletariat first overthrow the bourgeoisie, break the yoke of capital, break up the bourgeois state apparatus. Then the victorious proletariat will speedily gain the sympathy and support of the majority of the toiling non-proletarian masses by satisfying their wants at the expense of the exploiters." [447]

Does that add anything to my view, do you think?

A. Yes, except that I am not insisting on defending Stalin in any sense of the word.

Q. I am not asking you to defend him, but construe him and answer questions with regard to what he meant when he said certain things.

A. I think it is clear what he insists on there.

Q. Certainly Josef Stalin doesn't contemplate a majority of the people, whatever you may think Mr. Browder contemplates.

A. Not in that statement; he does not contemplate the majority.

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

Q. Would you say that statement was in conformity with the views of Marx?

A. No; I would not say it is in conformity with the views of Marx.

Q. You think that might be a distinction from Marx?

A. Unless where you had a complete breakdown of the existing order and a minority might take over.

Q. Perhaps you would care to read what is above that, if you want to. As I say, there are no trick questions. Do you want to read what is above that?

A. No.

Q. Mr. Browder, on pages 165——

Again we have the same proposition that we had yesterday. Right in this connection I want to correct, for purposes of the record at this time, a statement which I made yesterday. I said that I had framed these questions back in Washington. What I meant was that I had taken these excerpts from books and framed the questions after I arrived here.

That doesn't mean anything to you, Professor, but I made that statement and I want the record to show what the fact is; that is all. Mr. Browder, in his book, "What is Communism"?, which I think you have read, states this:

> "All revolutions have been made with weapons which the overthrown rulers had relied on for their protection. [448]

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

"History does not show a single example in which state power was transferred from one class to another by peaceful means, whether in the form of voting or some other method of formal democracy.

"Communists, despite what their enemies say, do not advocate or idealize violence. A violent struggle with the capitalists is by no means our choice or preference. We know only too well the terrible price workers have to pay as a result of the violence employed by the capitalists against them every day. We would be only too delighted if the capitalists would voluntarily scrap the deadly weapons which they use against the population at home, and which they are piling up in unprecedented quantities for a second world war. But we would be more than fools, we would be criminals, if we did not *want* the toilers that capitalists will not peacefully submit to the dictates of history."

Now, "the dictates of history," I take it, is a following through of the so-called Marxian theory. In this article, excerpts from which you have just heard me read, do you think that Mr. Browder contemplates the use of force and violence?

A. According to that statement that would be after the proletarians had managed to secure a majority; and you might have a small minority there

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

using the weapons to keep from surrendering power.

Q. Again I don't agree with you. They don't say anything about obtaining the majority. They say this?

> "We would only be too delighted if the capitalists would voluntarily scrap the deadly weapons which they use against the population at home, and which they are piling up in unprecedented quantities for a second world war. But we would be more than fools, we would be criminals, if we did not warn the toilers that capitalists will not peacefully submit to the dictates of history."

He wasn't talking about any majority of the population or anything else. He was simply warning the toilers of what they could expect and that force and violence was to be used. It seems to me [449] that he clearly expressed that it might come. He didn't say when, he didn't say how, but it was there just the same and it was in his mind when he wrote that, in my judgment. Do you agree with that?

A. Well, what about "dictates of history"?

Q. The "dictates of history" are susceptible to more than one construction. Men, during the course of history, have waited for an opportune time to jump for action, where other men might regard it as an inopportune time. Men have seized power by coups and otherwise. Men haven't waited for the

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

majority as a rule to act because if they did there is a possibility that that majority might never act. That is what I think he means by "the dictates of history." You asked me the question and that is my answer.

A. In the French Revolution would you say that the old regime represented a majority?

Q. The old regime? A. Yes.

Q. No, not necessarily that it represented a majority. I think this: that a small minority, when they thought the time was ripe, took that action. I am not arguing for or against the proposition. I suppose if I had been there I more than likely would have been on the side that did that—I am not saying I wouldn't. But I say that it wasn't the majority of the people who wanted revolution.

A. The French priest Sieyes claimed that nineteen-twentieths of the people wanted the revolution.

Q. That gentleman expressed his views preceding Marx in 1789 at the beginning.

A. At the time of the French Revolution nineteen-twentieths of the people, the Third Estate, wanted it; there was only a mere handful of nobility.

Q. That same gentleman is regarded as expressing the view of Marx afterwards; isn't that correct?

A. Not at all.

Q. He didn't?

A. There is no relationship.

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

Q. Did you know there was such an Abbe in France who expressed [450] almost identically the same views as Marx, but was never given credit for the Marxian theory? A. No.

Q. There is such a man and I can give you a book if you want to see it. I am going to go on and read you some more, Professor:

> "If the productive forces and accumulated wealth of society are to be preserved and further developed, the property rights of the capitalists and the institutions by which they are maintained must be abolished, and the exploiting minority and its agents suppressed. Thus, some form of violence is unavoidable. There is no possible choice between violence and nonviolence. The only choice is between the two sides of the class struggle."

Do you think violence and force were contemplated in that excerpt?

A. Well, there again I have to come back to the question of the minority and the majority.

Q. How?

A. That is, you have that small class there as described by Engels. You find the same thing in Lenin, that is, the small group as contrasted with the larger group.

Q. Do you think, then, that when a revolution is going to come we are first going to have a census in

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

this country, or in any other country, to see numerically how many people are in favor of the proposition or against it?

A. Oh, no. It wouldn't be as simple as that.

Q. You express one view with regard to what the majority means and I express another, I take it, entirely. You think that the majority, if there be a revolution it is a majority that always brings it about. I, on the other hands, think it is not a fact that the majority always brings a revolution about; that frequently and generally it is the minority that brings the revolution about.

A. I wouldn't contend it is a majority that always brings it about.

Q. I don't want to put words in your mouth.

A. You had a situation in Germany, in 1918, where conditions had broken down and in [451] Russia in 1917 the same thing occurred.

Q. Broken down in the judgment of some people; that is all, isn't it? Other people may not think they broke down. Other people may take a contrary view on that.

A. How could they have taken, if conditions hadn't broken down, Petrograd without a struggle? They simply declared that all power had been transferred to the soviet.

Q. Kerensky took it without a decided breakdown, didn't he? You wouldn't contend Kerensky was in the majority?

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

A. We have gone back—Kerensky didn't take it; the soviets took it.

Q. The Bolsheviks?

A. No; the soviets.

Q. The Bolsheviks——

A. (Interrupting) They were a minority.

Q. After all, we are dealing with labels and they do not mean very much.

A. They mean quite a bit. There is quite a distinction between the Bolsheviks and the Menshevics and the social revolutionists, and the liberal party—they were all included in the soviets.

Q. If the majority of the people as a whole were in favor of doing anything you would hardly think there would be a necessity for a revolution, would you?

A. Well, there again you have to come over to an effective majority; that is, an organized majority.

Q. You are using the term, an effective majority. It has to be a majority—that is where I differ with you.

A. You wouldn't call it an effective minority.

Q. If the majority of the people in the United States wanted to make changes in this government they could make them without difficulty by use of the ballot, couldn't they?

A. Yes, within certain limits.

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

Q. What do you mean by "within certain limits"?

A. That they would have to have a constitutional amendment, perhaps.

Q. I understand that. We all understand that. Now, you say an effective majority. You can conceive of a condition where there might be an effective majority well equipped working underhanded, [452] working underground in their own way where they might, for instance, accomplish something without regard to what the majority of the people in America thought. You can conceive of that?

A. It is a possibility.

Q. That is just the picture we are trying to paint for you. We believe that is possible. We believe that is just what the Communist Party is trying to do. Again, I am going to read to you from "What is Communism?" by Browder:

> "There is plenty of wealth in the country to pay for all of those necessary things. But all this wealth is in the hands of the rich. There is no magic formula by which it can be obtained, except by taking it away from the rich. This can be done by taxation, for which the government has full power. If the government refuses to do this, then there is another way, the way pointed out by Lincoln, who declared that when the people became dissatisfied with their government, they have the in-

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

herent right to change, or overthrow it, and set up a new one which will carry out their will."

Do you think Mr. Browder had in mind anything about force and violence at that time?

A. Yes—there again he is referring to the people as distinguished from a small group.

Q. I will go on and read further:

"We Communists declare, and we have proven it by experience, that only class struggle policies can be victorious for the workers in the day to day battles for immediate needs. We reject the idea that collaboration with the bosses will enable the workers to steal a few crumbs. We reject just as completely the idea that the workers must suffer, their conditions must become intolerable, before they are willing to go along the path of class struggle. History has shown that it is upon the basis of these daily struggles for bread that the revolutionary movement is made strong and prepared for the giant task of overthrowing capitalism."

[453]

Do you think force and violence is contemplated there? A. Not necessarily.

Q. What does "the revolutionary movement" mean? Do you think that means a peaceful revolutionary movement?

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

A. Revolution may be a peaceful thing.

Q. Of course, I understand it may be, but do you think Mr. Browder thought that when he said that?

A. I don't know what Mr. Browder thought when he wrote that.

Q. When you overthrow a thing—it says here "the giant task of overthrowing capitalism." It could readily be admitted by you, I think, that that might contemplate force and violence, might it not?

A. Possibly.

Q. Even probable, isn't it?

A. Not unless you had a sufficiently large group there, a majority, to accomplish that revolution.

Q. Let's go ahead and read further. Again Mr. Browder states:

> "It must be emphasized that capitalism will not simply come to an end; it can only be ended by the organized actions of the working class in collaboration with its allies from other sections of the population. The revolution does not simply happen; it must be made. This does not imply that the Communist Party 'makes' the revolution. The socialist revolution is carried out by the great masses of toilers. The Communist Party, as the vanguard of the most conscious toilers, acts as their organizer and guide. It gives the masses political awareness of their problems, a realistic program that will

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

solve these problems; the heightened class consciousness of the workers leads them to follow the Communist Party."

Do you think violence might be contemplated there?

A. I see no reason why it should be contemplated there.

Q. You don't see any reason why it should?

A. No; why it should be contemplated in that statement.

Q. Do you think these words mean anything, or are they just simply [454] thrown in, just in an offside way—"The revolution does not simply happen; it must be made." What does that mean to you? Does it mean anything at all?

A. Well, it doesn't necessarily bring in force and violence.

Q. It doesn't necessarily, but really, aside from whether necessarily it means force and violence, it could mean force and violence, couldn't it?

A. Force and violence is one thing and a revolution is another thing.

Q. Do you think he was talking about a peaceful revolution there when he said: "The revolution does not simply happen; it must be made"?

A. He may very well be talking about a peaceful revolution.

Q. That is your conception of it. You say he may very well—is that your construction of it?

A. I don't know from what you have read me.

Q. I would like to get your construction of it.

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

A. Well, I should not want to construe Mr. Browder's writings there.

Q. I am not asking you to approve Mr. Browder's writings. I am asking you to construe those words, and I asked whether you thought that force and violence was contemplated there in the excerpt which I have just read.

A. My answer was "I don't know."

Q. Your answer was "Not necessarily"; and I want to know what you meant by "Not necessarily." Did you mean that a peaceful revolution is contemplated there by Mr. Browder?

A. I don't know. I don't know what Mr. Browder contemplated when he wrote that.

Q. Have you read "The People's Front"?

A. No; I have not.

Q. You haven't read "A Letter to American Workers," have you? A. No.

Q. You haven't read "The Ultimate Aim," have you? A. No.

Q. "The Program of the Communist International," you have not read? A. No.

Q. You have read "Left-Wing Communism: An Infantile Disorder"? [455]

A. No. I put it in that pile that I have not read, or I thought I did.

Q. All right. We will forget it. You haven't read "The Communist Party," by Alex Bittelman, have you? A. No.

Q. We are getting along fine.

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

A. I haven't even heard of Bittelman.

Q. There is such a book. Will you take my word for it? A. Yes.

Q. I think you said you read "Why Communism?" by Olgin? A. Yes.

Q. I want to read you, from pages 75 to 77. If you want, Professor, I will give you this book as I read it.

(The book referred to was passed to the witness.)

By Mr. Shoemaker: Q. (Reading:)

"A time comes when there is demoralization above, a growing revolt below; the morale of the Army is also undermined. The old structure of society is tottering. There are actual insurrections; the Army wavers. Panic seizes the rulers. A general uprising begins. Workers stop work, many of them seize arms by attacking arsenals. Many had armed themselves before as the struggle sharpened. Street fights become frequent. Under the leadership of the Communist Party the workers organize revolutionary committees to be in command of the uprising. There are battles in the principal cities. Barricades are built and defended. The workers' fighting has a decisive influence with the soldiers. Army units begin to join the revolutionary fighters; there is fraternization between the workers and the soldiers, the workers and the Marines. The movement among the

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

soldiers and marines spreads. Capitalism is losing its strongest weapon, the Army. The police as a rule continue fighting, but they are soon silenced and made to flee by the united revolutionary forces of workers and soldiers. The Revolution is victorious. Armed workers and soldiers and marines seize the principal governmental offices, invade the residences of the [456] President and his cabinet members, arrest them, declare the old regime abolished, establish their own power, the power of the workers and farmers."

Do you think that contemplates force and violence?

A. I think that is very interesting. Engels said this stuff was out of date in 1848.

Q. I am still contending it is not. Do you want me to prove it? If so, I will give it to you in time. This is the reason I am asking that question. I don't care what anyone said about it. Did you say that Engels said it was out of date?

A. Yes. I am not citing Olgin—I mean the method of attaining power, that is by barricades and street fighting, that is something that was out of date in 1848.

Q. Do you think it might even obtain here in the United States?

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

A. I don't see that it would particularly accomplish anything; that is, the building of barricades and fighting in streets.

Q. Did you ever think that it might be done, even though you might not think it might be done? In other words, that it might occur even though you think it might not be done?

A. The technic of revolution has changed. Olgin has written a very interesting paragraph there about what is going to happen.

Q. You think then that when Olgin wrote that that he was pointing out what had been done and not anything that could happen at all; is that your idea?

A. Oh, I don't know—he describes revolutions as they were conducted.

Q. As they were conducted?

A. In the French Revolution.

Q. Is that all he did?

A. And he also mentions there that the time comes when this will happen.

Q. He doesn't say anything that I can find in there about a French Revolution, or anything else. I am going back and read some for you from the beginning: [457]

> "The revolutionary overthrow of capitalism and the dictatorship of the Proletariat. The overthrow of the state power, and with it, of the capitalist system, grows out of the everyday

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

struggles of the workers. One is historically inseparable from the other. As the organization of the workers grows, as their troubles become fiercer, while many nonprotelarian elements like farmers, intellectuals, and exploited members of the lower middle class join the revolutionary movement, the final onslaught on the fortress of capitalism draws nearer. These struggles are the reaction of the masses to the misery wrought by the crisis of capitalism. The capitalists try to overcome the crises by putting additional burdens on the shoulders of the masses, but they cannot cure the incurable disease. There comes a time when large sections of the population say that this simply 'cannot go on.' The government seems to be entirely inept to cope with the political and social difficulties. The belief of the population in the wisdom and all-powerfulness of the 'men higher up' is shaken. These men are losing their confidence. The confidence of the masses in their own strength is growing apace. The struggles of the masses meanwhile become broader and deeper. The government tries suppression. It does not succeed in crushing the spirit of revolt. It cannot stem the tide. The previous struggles of the workers count greatly. The clearer the class-consciousness of the workers, the more steeled they are in fighting, the better

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

the revolutionary leadership they have developed in the course of years, the greater the number of friends they have allied with themselves from among the other oppressed classes, the more capable are they to deal the final blow.

"It is not necessary that this final blow, i. e., the revolution, should come in connection with an imperialist war, although this is most likely. Capitalism will seek to prevent a revolution by plunging the country into war. War is to serve not only as a way [458] out of the crisis but as a means to arouse the patriotism of the masses, to increase governmental terror (Martial law,) and to divert public attention from internal affairs. War, under such conditions, for a while retarding the revolutionary movement, may hasten it later when the war sufferings begin to tell on the masses."

Now, from what I have read you, do you think now he was talking about something that was past and belonged to a dead world, or talking about something that could happen today, that likely would be arranged to happen today?

A. Well, I said in the past, that that would be the procedure, these various steps.

Q. Don't you believe, after hearing that, that he was dealing with something that could happen today? A. Could happen today?

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

Q. Yes, could happen today. A. When?

Q. Right here in the United States of America.

A. In 1939?

Q. In 1939.

A. I absolutely do not believe that such a thing could happen in the United States in 1939.

Q. Well, do you think that he was dealing with problems of today and trying to define it as of today? A. Oh, I don't know.

Q. You don't know? Suppose you read it yourself and tell me if you think he is dealing with a past matter. Read it again; read it as many times as you want.

A. Well, it starts out by saying, "The time comes."

Q. A time comes, yes. What does that mean? Does that mean the time is gone?

A. It doesn't mean 1939.

Q. Not necessarily; it might mean 1941, '42, '43 or '44. A. Or 1995.

Q. Or 1995, yes; but he wasn't talking of something that had gone by, was he?

A. Well, there may be a possibility of coming to an impasse of that sort.

Q. All right. If it can happen in 1995 it can happen in 1939 or any date thereafter, then, can't it? A. No; I wouldn't agree with you there.

[459]

Q. Do you think that he meant that it could, aside from what you think?

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

A. Well, he says "the time comes," that is, this historical development when this situation is brought about.

Q. You would concede and I will concede, as far as that is concerned, that he wasn't talking of any specific time; but you will have to concede that he was talking of a future time, won't you, instead of a past time?

A. Yes. In the methods that he refers to there, that is what I said was out of date.

Q. I thought you were talking about a time that was past and gone, that a revolution couldn't happen.

A. But as far as it being the distant future, why, that might come about where you would have an impasse and the things would break down.

Q. According to your judgment, Professor, but according to the judgment of others, it might happen soon. Now, you can visualize that even that might be true, can't you, that others might differ with you as to the time when this revolution might take place?

A. Oh, that is quite conceivable.

Mr. Shoemaker: That is all I wanted to know. No further questions, your Honor.

Mr. Gladstein: No questions.

Trial Examiner Landis: Professor Thompson, I just have a few questions I would like to ask you to clear up a few things in my mind.

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

By Trial Examiner Landis: Q. Did you say you spoke Russian?

A. Oh, no, no; I don't even read Russian.

Q. By the way, as an expert witness in this case, you are going to receive, or expect to receive, the normal fee that is paid expert witnesses?

A. Well, it is my understanding that I would receive a regular witness fee.

Q. I see. I am not very familiar with the details of the progress [460] of the Russian Revolution between February and October. As you say, in February, if I remember your testimony correctly, due to the breakdown that occurred then, there was a transfer of power to the Soviets; is that right?

A. No; that is not correct. You had your provisional government and also the soviets; that is, you had a dual system of government there.

Q. Yes.

A. But the provisional government was the government that was recognized, that is, in international relations and so on.

Q. Well, this cry for power of the Soviets became a battle cry for what power?

A. Well, that was "All power to the Soviets" instead of sharing it with the provisional government.

Q. Yes; but who made it; whose battle cry was that?

A. I think that was the Bolsheviks.

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

Q. The Bolsheviki? A. Yes.

Q. Wasn't there a demand during that period for a constituent assembly?

A. There was a demand and Kerensky delayed it.

Q. Was the demand for a constituent assembly at that time—was that a Bolsheviki demand, or a demand of the social democrats?

A. Well, I think, if I remember correctly, that the Bolsheviks also favored it. I am not sure about that. I am considering it in the light of Lenin's theory before that revolution came about.

Q. There was a delay, as you say, in carrying out of certain programs of the Kerensky group—whether or not they were honest programs is probably immaterial to the discussion at the present time—one of those being a constituent assembly, and the other a land program, and so on. I gathered from your statement that later on the Bolsheviki were against the constituent assembly?

A. Well, after they had taken power, after they had gotten the majority in the Soviets.

Q. That is, after the October revolution. But I was thinking of the period prior to the October revolution.

A. Well, it may very [461] well be before the October revolution, because in July was when pressure was brought to bear against the Soviets, that is, by the military; and from there on they changed

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

their tactics and their slogans.

Q. Well, let me put it this way: Would you say that the system of government by the Soviets was a democratic system of government?

A. Yes, I would say that it is a democratic system of government. That is, you had the soviets of soldiers and of workers, and afterwards the soviets of peasants organized in electing deputies to an assembly. It wasn't a democratic form of government as we have it, but another form of democratic government.

Q. Would you say that the constituent assembly as envisaged by the program was more of a democratic form of government that as we envisage it?

A. At that time?

Q. At that time, the program for the constituents?

A. Yes, I would say that would be more along the American line.

Q. And the Bolsheviki after the July incident, you said, in substance, raised the battle cry of "All power to the Soviets" and rejected the countercry of the demand for a constituent assembly coming from other, perhaps other liberal sources in Russia at that time; is that right?

A. I am not sure of the historical facts, but after July, Lenin pointed out that the Mensheviks and the social revolutionaries have really joined with the reactionaries in favor to a return to some sort

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

of a monarchial government, and Lenin insisted that that would be a step backwards.

Q. But did he want to take the step that would be implied in the calling of a constituent assembly, of seeing whether or not the movement should be made in this direction that by old procedures the constituent assembly involved, or if he wanted to take the step as it came in the cry of "All Power" and so forth?

A. Oh, he would stand by the slogan "All power to the Soviets" [462] and then proceed to enlarge upon the Soviets; you would spread them throughout the country.

Q. But in so far as his actions and preachings went, from July to October, would you say that he refused or dodged the issue of whether or not the Bolsheviki could come into power as a result of the constituent assembly?

A. I don't know. I am really not an expert on Russian history; just from my casual reading of the situation as that has developed. But having gained a majority in the Soviets, I don't think that he would relinquish that power, that is, to call a constituent assembly.

Q. After October?

A. Well, he had a majority before October; you realize that he had a majority then.

Q. And it is very rare that people relinquish power that they got under any circumstances?

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

A. That is quite true.

Q. Throughout the passages that have been read to you, and with which you were familiar, and also in the passages from Marx and Engels that you have quoted, there is a constant reference to "democratic government"; and I think you in your statement refer to democratic government as being a procedure——

A. (Interrupting) A what?

Q. —a procedure whereby it is possible for one class to come into power as against the former ruling class, without, shall we say, bloody revolution?

A. Yes.

Q. And I think you state that Engels and Marx recognize that, or, rather, had certain faith in the operations of democratic government because they saw that that was a means whereby the proletariat could come into power without initiating a program of force and violence?

A. That is correct.

Q. It might be that as a result of their seizure of power by those means, a minority might resist the exercise of the power that had been seized and thereby bring about force and violence; or, in other [463] words, counter revolution would bring about force and violence. A. That is correct.

Q. Do you think that their conceptions of democratic government, as they illustrate it, correspond at all with the procedures of government that go

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

under the name of "democratic government" in this country?

A. Yes, distinctly so. That is, in talking about American democracy and democracy in England, and in his writings in 1895 Engels is referring to the franchise in Germany and admonishing the workingmen to participate in those processes.

Q. Yes, but you are aware, of course, that the procedures involved in American government very frequently frustrate the will of a majority, don't they? A. That may be true.

Q. That is, theoretically it is possible for a minority—if, in order to get the will of the majority, make the will of the majority effective, a constitutional amendment is necessary, that a very small minority can frustrate for a long period of time the will of the majority? A. Yes.

Q. Now, assuming that situation and assuming that the proletarian movement is a majority movement, what would the Marxist theories say takes place if, we will say, Constitutional inhibitions present themselves against a majority exercising the power that they have seized? Would that involve the destruction of the institutions of our government as we know them?

A. I don't know that Marx or Engels ever faced the problem.

Q. Did you find out whether Browder ever faced that problem; do you recall at all?

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

A. It sticks in my mind that where that situation would result, then you might have to use force, that is, because a revolution had taken place.

Q. I think we could see it in this fashion, with an issue that I think has concerned the American public at large over the last 20 years: In 1923 the Supreme Court of the United States, in Adkins [464]against the Children's Hospital, held that an effort on the part of the government of the United States to insist that a minor, a living wage be paid to workers in industry, was beyond the power of the Federal Government. Shortly thereafter, in the Sordello case coming up from Arizona, and a series of cases coming up from other sources, followed dramatically by a case in 1934, the Supreme Court of the United States said that the Constitution prevented a state government from achieving that same end, despite what the will of the majority of the electorate of that state might be. In other words, the result of those two decisions put together—and getting away from constitutional phraseology for a moment—was to the effect that under our system, organized government had no power to provide that there should be a floor below which industry could not let wages sink. Suppose you have those inhibitions, those obstructions against the realization of a majority will at present, under our governmental system, what would be the Marxist's attitude with reference to those?

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

A. I don't know. That is really a hypothetical question.

Q. It is a very real question.

A. Yes, it is a real question.

Q. A very real question.

A. I think in actual practice you may have a lag there, but eventually you will find that the judiciary comes up with the other branches of the government. There is a possibility, of course, of having progress stymied in that fashion.

Q. Well, if that lag becomes too serious, though, the Marxist would hardly wait for that lag, would he? He won't submit restrictions upon the will of the majority of that nature?

A. Well, if you come to a point where you had a real effective majority as against a mere handful or a small minority—but there he would probably consider that conditions were arriving at a point where you would arrive at a breakdown. That is, these things are [465] contradictions.

Q. That is, it might be true that there are present in our governmental procedures restrictions upon the power of the majority to realize its will that would be set aside by the Marxist theory. I wonder about that. I mean, as I listen to the Marxist democratic procedures, the will of the majority, and all that kind of—and yet it is perfectly obvious, as one reviews the procedures of our government, that those procedures are set up with the express

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

purpose at times of preventing a realization of the will of the majority; isn't that true?

A. Yes, that is true; you may have that; and if you look back in history, it has taken different courses. Undoubtedly that was true in France in the old regime in 1789, with the result that you had violence; and a similar situation presented itself in Sweden, and the change was made with no violence whatever, that is, the King compromising and afterwards in 1866 the old states were just so outmoded that they submitted without any opposition.

Q. Well, does one have to go back that far? After all, the Civil War is illustrative, isn't it, of that very thing being present in our native——

A. (Interrupting) Oh, yes.

Q. An issue there was the power of the Federal Government to deal with slavery in the territory, the power which the Supreme Court of the United States said under the Constitution was denied to the Federal Government.

A. And you will find in the writings of Calhoun that expresses it, that we have a minority, and that is dominated by a majority in another section of the country, and that constituted the basis.

Q. My point there is this: I wonder, when there is reference again and again to the use of the ballot, democratic procedures, etc., in some of this writing that has been produced, if reference is to American procedures that we know, which may or may not

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

be the [466] same thing as "democratic procedures" that they might practice, for example.

A. You mean the reference by Marx and Engels, and other writers, to the democratic procedure?

Q. Yes.

A. Well, in Engels, he recognized that procedure which is quite similar, as part of the strategy of the workers' party. It would give them a chance to run candidates for office; it would give them a chance to advertise their program; it would give them a chance to speak from the tribune within Parliament and also outside of Parliament, and that really would be an effective weapon for their workers to use; and by the very nature of Marxist theory, that is, that the proletarians will increase—that is the Marxian doctrine that you will have a larger and larger group of proletarians—and so, if they are not the majority now they will be the majority a few years from now, or perhaps 50 years from now; and so he admonishes his followers to stick to the democratic process.

Q. I wonder as to whether or not that is exactly the same kind of process as in some of the terms used in the Communist writing, the theory of the Constitution, which is in part to protect communities as a whole against majorities; isn't that true? A. Yes.

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

Q. And I wonder whether or not there is not a casual flurring from the word "democratic," "will of majority," "democratic procedure." The use of that term implies American institutions. I wonder if the implication is quite correct.

A. Well, there would be a difference there. I couldn't conceive of Marx, for instance, accepting the Hamiltonian principle that you can substitute justice for a majority. That is abstract justice.

Q. And yet, that is it, when you are measuring it in the theory of constitutionalism?

A. That is your constitutional government.

Q. One other point, Professor Thompson: I haven't yet had an opportunity to go through many of these exhibits which the Government has introduced, but you had reference there to the split [467] between Lenin and the Social Democrats as represented by Kautsky and others? A. Yes.

Q. Could you briefly sum up what, in your opinion, caused the split, where the difference lay between those two groups?

A. Well, that is rather difficult. You had a quarrel between theorists, for one thing, but——

Q. (Interrupting) Yes; but I would be interested in your description of what you conceive to be the diverging point of those two theories.

A. —but Lenin was accusing Kautsky of backing German Imperialism and of being an opportunist, that is, that he wasn't a Marxist in the revolutionary sense.

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

Q. Backing German Imperialism?

A. That is, backing the German government and the Imperial government, and any politics that it launched out on, why, the social democrats were playing in with the others.

Q. What was the date of that split? I mean, what date are you talking of with reference to the backing of German Imperialism? Is it the Brest-Litovsk Treaty, or prior to that?

A. Oh, no; long before that.

Q. Long before that?

A. Long before that. Of course, there Lenin may have been unfair in his criticism of Kautsky. I think Kautsky's economic doctrine is an excellent statement of the nature of Marxian economics.

Q. Would one point of difference between Lenin and Kautsky rest upon the fact that Kautsky believed that it was possible to get away from the class struggle? That is, to use the Marxian terminology, that the bourgeois were stressing that there were standards whereby this thing could be resolved, and that Lenin took the position that there is no compromise, there can be no compromise?

A. Well, Kautsky certainly stressed the class struggle, that is, he wrote a book on the class struggle. [468]

Q. Yes, but did he recognize that there was a possibility of compromise present between the bourgeois and the proletariat, where Lenin, to use a

(Testimony of William Schneiderman.)

(Defendant's Exhibit R—continued)

phrase I picked up the other day, said it is like "fighting with a Polack; you can give no quarter"?

A. No. It seems to me it would be more a question of Lenin accusing him of preaching one thing and practicing another. That is, he was preaching the class struggle and at the same time playing in with the Social Democrats of Germany.

Q. He was preaching the class struggle and believed in the possibility of compromise, believed that the class struggle was not something that had to be and could be solved only by revolution; believed that if it did exist it could be solved by compromise, cooperation, etc.?

A. Well, there may be a possibility that could be read into Kautsky.

Trial Examiner Landis: That is all I have. Have you further questions of the witness?

Mr. Gladstein: No questions.

Trial Examiner Landis: I would suggest that, it being seven minutes to twelve, we resume at one o'clock with the next witness.

(Witness excused)

(Whereupon, at 11:54, a recess was taken until 1:00 o'clock p. m.)

[Endorsed]: Deft's Ex. R. Filed Dec. 12, 1939.

[469]

(Testimony of William Schneiderman.)

Mr. Andersen: Have you any further excerpts or exhibits there, Mr. Schneiderman, at this time?

A. No.

Q. I show you this pamphlet entitled, "The Constitution of the Young Communist League of the U. S. A." You are familiar with that document, are you not? A. Yes, I am.

Mr. Andersen: I will offer this pamphlet in evidence as Defendant's Exhibit "S."

(Document marked "Defendant's Exhibit S.")

Mr. Andersen: I have a few further questions:

Q. I assume that you have been studying the subject of Marxism and Leninism for quite some few years; is that correct? A. Yes, I have. [220]

Q. And in your capacity as secretary of the Communist Party in California,—District 13, I believe it has been referred to as,—did you find it necessary in your work to deliver lectures and talks on the subject of Marxism and Leninism and, in general, the entire subject of the Communist Party?

A. Yes, I did

Q. You, of course, consider yourself an expert in that particular field? A. Yes, sir.

Q. I assume that you have not only read and studied all of the exhibits introduced in evidence, in your behalf, as well as many other hundreds of books written on the general subject? A. Yes.

Q. Now, with reference to these bookshops to which reference was made by Mr. Humphreys and

(Testimony of William Schneiderman.)

by the former Captain Hynes, are those bookshops under your control at all?

A. No; they are not.

Q. So far as you know, are they under the control of the Communist Party?

A. No. As I understand, the business arrangement with these bookshops is that they are agents of either the International Publishers or the Workers Library Publishers.

Q. Both of which are corporations?

A. Yes.

Q. In so far as you know, does the Communist Party of New York or any other place exercise any authority or control over them?

A. Not that I know of.

Q. You, of course, are familiar with both of those corporations, aren't you? A. Yes.

Q. You buy books there occasionally?

A. Yes.

Q. Do you know if they publish other works besides the Communist treatises and theses?

A. Yes; they publish general books on politics and political science and history. Many of them are by noncommunist authors, and they also publish documents for many different types of organizations, so far as I know.

Q. In other words, so far as you know, it is not a Communist organization; not controlled by the Communist Party or any branch of it?

A. No. [221]

(Testimony of William Schneiderman.)

Q. Now, with respect to the Communist International and the International Communist Party of the United States, what is the extent and the nature of that affiliation?

A. I believe that that relationship was described by myself in my statement and also in the constitution of the Communist Party. We are affiliated with the Communist International, as are the Communist parties of many other countries in different parts of the world. However, at the time of our affiliation, we were not as yet, at that time, a unified Communist party; in fact, we did not even have the name "Communist Party"; we used the name, "Young Workers Party." We were a merger of the many different Communist units, out of which had not yet come a unified program; and, in those early formative years, the Workers Party, when it affiliated with the Communist International—it was as a fraternal organization, with the express proviso that it did not come under the statutes or the conditions for admission which were formulated by the Communist International in 1920, prior to the formation of the Workers Party. That status has never been changed; neither the statutes nor the program nor the conditions for affiliation have ever been approved by any official party body. The reason for that is: although it might have been important in 1919 or 1920 to these groups of parties which were asking for admission to the Communist International, the real question of status and the

(Testimony of William Schneiderman.)

question of admission became a purely question once the Communist parties were organized and once the Communist International was organized. That is the reason why our status was never considered by any party convention; and that is why we affiliated under our own status, operating under the constitution of the parties and under similar procedure which had existed in the Party for many years before our constitution was adopted. The constitution specifically states that the supreme authority in our party is the national convention of the party; and [222] any decision or resolution that might have been adopted or may be adopted by international congress of the Communist International is not considered by our party or its members unless it is specifically acted upon or approved at an official party congress or by the national committee of the parties between conventions. That is why we insist that the policies and the decisions of our party are made entirely by our party and its membership through the means set up by its own constitution.

Q. With respect to Mr. Hynes, the police officer, who testified, did you ever personally know him?

A. Yes, I did.

Q. You knew him in Los Angeles, did you?

A. Yes, I did.

Q. What was the nature of the acquaintance?

A. I was present frequently at either classes or study groups or open forums or mass meetings, to

(Testimony of William Schneiderman.)

which Mr. Hynes and other members of the police department would enter without any seeming reason, and break up the meeting or order the people to leave or forcibly eject them from the hall or prevent them from entering the hall.

Q. How do you mean he "would break up the meetings"?

A. He would order everyone out of the hall; and those who refused to leave, believing that they had the right to hold those meetings, would either be arrested or forcibly ejected.

Q. On how many occasions do you recall having seen Mr. Hynes at Communist meetings?

A. Well, at least a dozen that I distinctly recall. This was such a general practice in those days that I am sure it happened on many more occasions when I was directly present.

Q. Did you ever talk to him?

A. Yes; I recall, on several occasions, speaking to him during such incidents.

Q. Did he ever arrest you?

A. No; he did not.

Q. Never, at any time? A. No.

Q. I direct your attention to Plaintiff's Exhibit No. 6 in [223] evidence, "Programme of the Communist International," published in 1928, according to its printmark. Did you ever read that particular volume—I do not mean that particular volume, but I mean any of the issues of that volume?

(Testimony of William Schneiderman.)

A. This particular programme is not too well-identified, because the programme was changed from congress to congress. I assume this was the programme of the Communist International which was published by the Sixth Congress in 1928.

Q. Did you attend that particular congress?

A. Yes. I have read it and I am familiar with the programme adopted at the Sixth World Congress. It does not state whether this is the programme adopted or amended at the Sixth World Congress.

Q. This was printed after you became a citizen. With respect to Plaintiff's Exhibit No. 16 in evidence, "A B C of Communism," do you happen to be familiar with that volume?

A. Yes, I believe I have read it.

Q. With that work there?

A. Yes; I have read either extracts from it or all of it, many years ago. This particular volume is a work which was withdrawn from use in any Communist party study room or classes.

Q. Do you know when it was withdrawn?

A. I do not recall the exact year; but it was due to the fact that there were many conclusions drawn in here, which were not accepted by the Communist Party or the parties of the various countries or the Communist International; the authors of the book were subsequently expelled from the Communist Party.

(Testimony of William Schneiderman.)

Q. Does that volume today, or did it then, purport to expound the proper theory of Marxism and Leninism?

A. No; it was already under criticism at that time.

Q. I show you Plaintiff's Exhibit No. 17, and ask you if you are familiar with that volume.

A. I have no doubt that I have read [224] it, although I must have been 15 or 16 years old when I read it, and I would not recall everything in it.

Q. But could you tell if it is an official publication of the Communist Party?

A. No; it is not.

Q. I show you Plaintiff's Exhibit No. 18, and ask you if that is an official publication of the Communist Party, or one that is circulated by the Communist Party.

A. This was published by the Workers Library Publishers. It was bought by many Communists, and it enjoyed a wide circulation, as I understand it. It was sold and discussed during a period of about a year or a year and a half when I was not even in the country, so I could not give you any more details about it.

Q. Do you know if it was published by the Communist Party, or sold by the Communist Party?

A. No; it was not.

Q. Now, referring to Exhibit No. 26 in evidence, "Statutes, Theses and Conditions of Admission to

(Testimony of William Schneiderman.)

the Communist International," which was put in evidence during the testimony of Mr. Hynes, do you know if that was ever published by the Communist Party of the United States of America, or distributed by them?

A. I have no recollection of this particular edition. There is nothing to identify where or how it was published. I do not know of any work of this kind being published by the Party.

Q. Did you ever see this being sold, for instance, in any of the so-called bookshops to which Captain Hynes made reference?

A. Not that particular edition. I have no doubt that possibly a pamphlet called, "The Statutes and Resolutions of the Communist International" were sold there; but I do not believe that this was ever printed in the country; it looks to me like an English edition, printed in England.

Q. I show you Government's Exhibit No. 27 in evidence, which purports to be a "Program and Constitution of the Workers Party of [225] America." Have you any knowledge, any opinion, as to whether or not that is what it purports to be, namely, a constitution of one of the predecessors of the Communist Party, adopted in 1921?

A. This program and constitution, with which I am not personally familiar, was probably one of the drafts that were presented to a convention of the Communist Party; but, as I have already stated, there was no written program or written

(Testimony of William Schneiderman.)

constitution of the party prior to 1938; and anything that purports to be a program or constitution was probably one of the drafts which was under discussion during those early years, and it is possible that this was one of those drafts. It contained general theoretical conclusions and interpretations of the Marxism theory, plus what purports to be a constitution of the Workers Party of America. But, according to Mr. Browder, this was a draft which was never finally approved by the Party.

Q. And such was never an official document of the Communist Party or any of its predecessors in interest?

Mr. Hennessy: I object to that as leading and suggestive.

The Court: What is that exhibit?

Mr. Andersen: That is Exhibit 27.

The Court: Q. What were the official documents of the Communist Party before this constitution, if you know?

A. There were resolutions adopted at certain conventions, which were sent out to party subdivisions. I do not recall in just what form they were published.

Q. Are you prepared to say this last exhibit was not sent out?

A. I am not prepared to say it was or it was not. As I said, I am not personally familiar with that particular document; but I assume that is one of the drafts that was presented to a convention.

(Testimony of William Schneiderman.)

Mr. Andersen: Q. Put it this way, Mr. Schneiderman: Over how long a period of time was an effort being made by the [226] Communist Party and its predecessors in interest to adopt a formal constitution?

A. We considered the inception of the Party somewhere back in 1919, although, at that time, it was merely a coming together of various groups that called themselves "Communists." The Workers Party, itself, was formed in 1921 or 1922—the end of 1921, I believe; during the first 10 years of its existence, there was no officially adopted program or constitution. From about 1930 or 1931 on, the period during which I began to attend regularly the conventions of the Communist Party, there were various draft programs, and sometimes constitutions, presented to the convention; those were referred for further discussion and study to the membership; and the final adoption of the constitution and program did not take place until 1938.

Q. At any of those conventions that you attended was there any reference made on the floor of the convention, or from the chair of the convention, that a constitution of the Communist Party was presently in existence?

A. No; as a matter of fact, the only references to a constitution that were made there was the fact that the party was not operating under written constitution.

(Testimony of William Schneiderman.)

Q. In other words, at that time and during all the conventions that you attended, they always proceeded upon the theory that there was no written constitution whatsoever? A. Yes, sir.

Q. And that efforts were being made, from the time you first began to attend those conventions, to finally effect the adoption of such a written constitution? A. Yes, sir.

Q. That is correct? A. Yes, sir.

Mr. Andersen: I think, may it please your Honor, we are practically finished with the submission of our case; and might I suggest that we adjourn until tomorrow morning? There may be some further matters I would like to put in evidence.

The Court: Very well.

(An adjournment was here taken until Wednesday, December 13, 1939, at 10 o'clock a. m.) [227]

Wednesday, December 13, 1939

WILLIAM SCHNEIDERMAN,

recalled.

Mr. Andersen: On behalf of the defendant, I desire to introduce in evidence several quotations from Marx, "Capitalist Expropriation," which I desire to have the privilege of withdrawing in order that I may make a copy and supply Mr. Hennessy a copy.

(Excerpts marked "Defendant's Exhibit T.")

(Testimony of William Schneiderman.)

(DEFENDANT'S EXHIBIT "T")

MARX,

CAPITAL, VOL. I

Pp. 785, 6, 7

Capitalist Expropriation

"In themselves, money and commodities are no more capital than are the means of production and of subsistence. They want transforming into capital. But this transformation itself can only take place under certain circumstances that centre in this, viz., that two very different kinds of commodity-possessors must come face to face and into contact; on the one hand, the owners of money, means of production, means of subsistence, who are eager to increase the sum of values they possess, by buying other people's labor-power; on the other hand, free laborers, the sellers of their own labor-power, and therefore the sellers of labor. Free laborers, in the double sense that neither they themselves form part and parcel of the means of production, as in the case of slaves, bondsmen, etc., nor do the means of production belong to them, as in the case of peasant-proprietors; they are, therefore, free from, unencumbered by, any means of production of their own. With this polarization of the market for commodities, the fundamental conditions of capitalist production are given. The capitalist system presupposes the complete separation of the laborers from all property in the means by which they can realize

(Testimony of William Schneiderman.)

(Defendant's Exhibit T—continued.)

their labor. As soon as capitalist production is once on its own legs, it not only maintains this separation, but reproduces it on a continually extending scale. The process, therefore, that clears the way for the capitalist system, can be none other than the process which takes away from the laborer the possession of his means of production; a process that transforms, on the one hand, the social means of subsistence and of production into capital, on the other, the immediate producers into wage-laborers. The so-called primitive accumulation, therefore, is nothing else than the historical process of divorcing the producer from the means of production. It appears as primitive, because it forms the pre-historic stage of capital and of the mode of production corresponding with it.

"The economic structure of capitalistic society has grown out of the economic structure of feudal society. The dissolution of the latter set free the elements of the former.

"The immediate producer, the laborer, could only dispose of his own person after he had ceased to be attached to the soil and ceased to be the slave, serf, or bondsman of another. To become a free seller of labor-power, who carries his commodity wherever he finds a market, he must further have escaped from the regime of the guilds, their rules for apprentices and journeymen, and the impediments of their labor regulations. Hence, the historical move-

(Testimony of William Schneiderman.)

(Defendant's Exhibit T—continued.)

ment which changes the producers into wage-workers, appears, on the one hand as their emancipation from serfdom and from the fetters of the guilds, and this side alone exists for our bourgeois historians. But, on the other hand, these new freedmen became sellers of themselves only after they had been robbed of all their own means of production, and of all the guarantees of existence afforded by the old feudal arrangements. And the history of this, their expropriation, is written in the annals of mankind in letters of blood and fire."

* * * * * * *

"The starting point of the development that gave rise to the wage-laborer as well as to the capitalist, was the servitude of the laborer. The advance consisted in a change of form of this servitude, in the transformation of feudal exploitation into capitalist exploitation. To understand its march, we need not go back very far. Although we come across the first beginnings of capitalist production as early as the 14th or 15th century, sporadically, in certain towns of the Mediterranean, the capitalistic era dates from the 16th century. Wherever it appears, the abolition of serfdom has been long effected, and the highest development of the middle ages, the sovereign towns, has been long on the wane.

"In making history of primitive accumulation, all revolutions are epoch-making that act as levers for the capitalist class in course of formation; but.

(Testimony of William Schneiderman.)

(Defendant's Exhibit T—continued.)

above all, those moments when great masses of men are suddenly and forcibly torn from their means of subsistence, and hurled as free and 'unattached' proletarians on the labor market. The expropriation of the agricultural producer, of the peasant, from the soil, is the basis of the whole process. The history of this expropriation, in different countries, assumes different aspects, and runs thru its various phases in different orders of succession, and at different periods. In England alone, which we take as our example, has it the classic form."

Ibid., P. 795-6

"Communal property—always distinct from the State property just dealt with—was an old Teutonic institution which lived on under cover of feudalism. We have seen how the forcible usurpation of this, generally accompanied by the turning of arable into pasture land, begins at the end of the 15th and extends into the 16th century. But, at that time, the process was carried on by means of individual acts of violence against which legislation, for a hundred and fifty years, fought in vain. The advance made by the 18th century shows itself in this, that the law itself becomes now the instrument of the theft of the people's land, although the large farmers make use of their little independent methods as well. The parliamentary form of the robbery is that of Acts for enclosures of Commons, in other

(Testimony of William Schneiderman.)

(Defendant's Exhibit T—continued.)

words, decrees by which the landlords, grant themselves the people's land as private property, decrees of expropriation of the people * * *

"Whilst the place of the independent yeoman was taken by tenants at will, small farmers on yearly leases, a servile rabble dependent on the pleasure of the landlords, the systematic robbery of the Communal lands helped especially, next to the theft of the State domains, to swell those large farms, that were called in the 18th century capital farms or merchant farms, and to 'set free' the agricultural populations as proletarians for manufacturing industry."

Ibid., P. 799, 800, 1, 2

"The stoical peace of mind with which the political economist regards the most shameless violation of the 'sacred rights of property' and the grossest acts of violence to persons. as soon as they are necessary to lay the foundations of the capitalistic mode of production, is shown by Sir F. M. Eden, philanthropist and tory, to boot. The whole series of thefts, outrages, and popular misery, that accompanied the forcible expropriation of the people, from the last third of the 15th to the end of the 18th century, lead him merely to the comfortable conclusion: 'The due proportion between arable land and pasture had to be established. During the

(Testimony of William Schneiderman.)

(Defendant's Exhibit T—continued.)

whole of the 14th and the greater part of the 15th century, there was one acre of pasture to 2, 3 and even 4 of arable land. About the middle of the 16th century the proportion was changed to 2 acres of pasture to 2, later on, of 2 acres of pasture to one of arable, until at last the just proportion of 3 acres of pasture to one of arable land was attained.'

"In the 19th century, the very memory of the connection between the agricultural laborer and the communal property had, of course, vanished. To say nothing of more recent times, have the agricultural population received a farthing of compensation for the 3,511,770 acres of common land which between 1801 and 1831 were stolen from them and by parliamentary devices presented to the landlords by the landlords?

"The last process of wholesale expropriation of the agricultural population from the soil is, finally, the so-called clearing of estates, i.e., the sweeping men off them. All the English methods hitherto considered culminated in 'clearing'. As we saw in the picture of modern conditions given in a former chapter, where there are no more independent peasants to get rid of, the 'clearing' of cottages begins; so that the agricultural laborers do not find on the soil cultivated by them even the spot necessary for their own housing. But what 'clearing of estates' really and properly signified, we learn only in the promised land of modern romance, the Highlands

(Testimony of William Schneiderman.)

(Defendant's Exhibit T—continued.)

of Scotland. There the process is distinguished by its systematic character, by the magnitude of the scale on which it is carried out at one blow (in Ireland landlords have gone to the length of sweeping away several villages at once; in Scotland areas as large as German principalities are dealt with), finally by the peculiar form of property, under which the embezzled lands were held.

"The Highland Celts were organized in clans, each of which was the owner of the land on which it was settled. The representative of the clan, its chief or 'great man', was only the titular owner of this property, just as the Queen of England is the titular owner of all the national soil. When the English government succeeded in suppressing the intestine wars of these 'great men', and their constant incursions into the Lowland plains, the chiefs of the clans by no means gave up their time-honored trade as robbers; they only changed its form. On their own authority they transformed their nominal right into a right of private property, and as this brought them into collision with their clansmen, resolved to drive them out by open force. 'A king of England might as well claim to drive his subjects into the sea,' says Professor Newman. This revolution which began in Scotland after the last rising of the followers of the Pretender, can be followed thru its first phases in the writings of Sir James Steuart and James Anderson. In the 18th

(Testimony of William Schneiderman.)

(Defendant's Exhibit T—continued.)

century the hunted-out Gaels were forbidden to emigrate from the country, with a view to driving them by force to Glasgow and other manufacturing towns. As an example of the method obtaining in the 19th century, the 'clearing' made by the Duchess of Sutherland will suffice here. This person, well instructed in economy, resolved, on entering upon her government, to effect a radical cure, and to turn the whole country, whose population had already been, by earlier processes of the like kind, reduced to 15,000 into a sheep walk. From 1814 to 1820 these 15,000 inhabitants, about 3060 families, were systematically hunted and rooted out. All their villages were destroyed and burnt, all their fields turned into pasturage. British soldiers enforced this eviction, and came to blows with the inhabitants. One old woman was burnt to death in the flames of the hut, which she refused to leave. Thus this fine lady appropriated 794,000 acres of land that had from time immemorial belonged to the clan."

Ibid., P. 805, 6

"The spoliation of the church's property, the fraudulent alienation of the State domains, the robbery of the common lands, the usurpation of feudal and clan property, and its transformation into modern private property under circumstances of reck-

(Testimony of William Schneiderman.)

(Defendant's Exhibit T—continued.)

less terrorism, were just so many idyllic methods of primitive accumulation. They conquered the field for capitalistic agriculture, made the soil part and parcel of capital, and created for the town industries the necessary supply of a 'free' and outlawed proletariat."

* * * * * * *

"The proletariat created by the breaking up of the bands of feudal retainers and by the forcible expropriation of the people from the soil, this 'free' proletariat could not possibly be absorbed by the nascent manufactures as fast as it was thrown upon the world. On the other hand, these men, suddenly dragged from their wanted mode of life, could not as suddenly adapt themselves to the discipline of their new condition. They were turned en masse into beggars, robbers, vagabonds, partly from inclination, in most cases from stress of circumstances. Hence at the end of the 15th and during the whole of the 16th century, throughout Western Europe a bloody legislation against vagabonds. The fathers of the present working-class were chastised for their enforced transformation into vagabonds and paupers. Legislation treated them as 'voluntary' criminals, and assumed that it depended on their own goodwill to go on working under the old conditions that no longer existed."

(Testimony of William Schneiderman.)
(Defendant's Exhibit T—continued.)

Ibid., P. 808-9

"Thus were the agricultural people, first forcibly expropriated from the soil, driven from their homes, turned into vagabonds, and then whipped, branded, tortured by laws grotesquely terrible, into the discipline necessary for the wage system."

[Endorsed]: Deft's Ex. T. Filed Dec. 12, 1939.

Mr. Andersen:

I desire also to introduce some excerpts from the writings of Jefferson.

(Excerpts marked "Defendant's Exhibit U.")

DEFENDANT'S EXHIBIT "U"

JEFFERSONIAN PRINCIPLES & HAMILTONIAN PRINCIPLES

(Selected and edited by James Truslow Adams—P. 94)

Letter to James Madison, Jan. 30, 1787

Rebellion

"* * * I hold it that a little rebellion now and then is a good thing, and as necessary in the political world as storms in the physical. Unsuccessful rebellions indeed generally establish the encroachments on the right of the people which have produced them. An observation of this truth should lead our honest Republican governors so mild in

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[Note: All italics in this exhibit are by the author.]

(Testimony of William Schneiderman.)

(Defendant's Exhibit "U"—continued.)

their punishment of rebellions, if not to discourage them too much. It is a medicine necessary for the further health of government."

Letter to Samuel Kercheval, July 12, 1816, P. 27-28, Ibid

"Some men look at constitutions with sanctimonious reverence and deem them like the ark of the covenant, too sacred to be touched. They ascribe to the men of the preceding age a wisdom more than human, and suppose what they did to be beyond amendment. I knew that age well; I belonged to it, and labored with it. It deserved well of its country. It was very like the present, but without the experience of the present; and forty years of experience in government is worth a century of book-reading; and this they would say themselves, were they to rise from the dead. I am certainly not an advocate for frequent and untried changes in laws and constitutions. I think moderate imperfections had better be borne with; because, when once known, we accommodate ourselves to them, and find practical means of correcting their ill effects. But I know also, that laws and institutions must go hand and hand with the progress of the human mind. If that becomes more developed, more enlightened, if any discoveries are made, any truths disclosed, and manners and opinions change with the change of circumstances, institutions must advance also, and keep pace with the times. We might as well require

(Testimony of William Schneiderman.)

(Defendant's Exhibit "U"—continued.)

a man to wear still the coat which fitted him when a boy, as civilized society to remain as under the regimen of their barbarous ancestors * * *"

Letter to Wm. S. Smith, Nov. 13, 1787, P. 93, Ibid

"* * * GOD forbid we should ever be 20 years without such a rebellion. The people cannot be all, and always, well informed. The part which is wrong will be discontented in proportion to the importance of the facts they misconceive. If they remain quiet under such misconceptions, it is a lethargy, the forerunner of death to the public liberty. We have had thirteen states independent eleven years. There has been one rebellion. That comes to one rebellion in a century and a half for each state. What country before ever existed a century and a half without a rebellion? And what country can preserve its liberties if their rulers are not warned from time to time that their people preserve the spirit of resistance. Let them take arms. The remedy is to set them right as to facts, pardon and pacify them. What signify a few lives lost in a century or two? The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants. It is its natural manure."

(Testimony of William Schneiderman.)
(Defendant's Exhibit "U"—continued.)

DEMOCRACY,

By Thomas Jefferson

(Selected and arranged by Saul K. Padoven)

Letter to Short, 1793—P. 32

The French Revolution and Terror

"In the struggle which was necessary, many guilty persons fell without the forms of trial, and with them some innocent. These I deplore as much as any body, and would deplore them as I should have done had they fallen in battle. It was necessary to use the arm of the people, a machine not quite so blind as balls and bombs, but blind to a certain degree. A few of our cordial friends met at their hands the fate of enemies but then their truth will rescue and embalm their memories while their posterity will be enjoying that very liberty for which they would never have hesitated to offer up their lives. The liberty of the whole earth was depending on the issue of the contest, and was half such a prize won with so little innocent blood? My own affections have been deeply wounded by some of the martyrs to this cause, but rather than it should have failed I would have seen half the earth desolated; were there but an Adam and Eve left in every country, and left free, it would be better than it is now."

(Testimony of William Schneiderman.)

(Defendant's Exhibit "U"—continued.)

Letter to J. Cartwright, 1824, P. 104—Ibid

"Can they (our constitutional laws) been made unchangeable? Can one generation bind another, and all others, in succession forever? I think not. The Creator has made the earth for the living, not the dead. Rights and powers can only belong to persons, not to things, not to mere matter, unendowed with will. The dead are not even things * * * To what then are attached the rights and powers they held while in the form of men? A generation may bind itself as long as its majority is in place, holds all the rights and powers their predecessors once held, and may change their laws and institutions to suit themselves. Nothing then is unchangeable but the inherent and unalienable rights of men."

Letter to J. Cartwright, 1824, P. 51-52, Ibid

"Hume, the great apostle of toryism, says * * * 'it is belied by all history and experience that the people are the origin of all just power.' And where else will this degenerate son of science, this traitor to his fellow man, find the origin of *just* powers, if not in the majority of society? Will it be in the minority? Or in the individual of that minority?

"Our revolution commenced on more favorable ground. It presented us an album on which we were free to write what we pleased. We had no occasion to search into musty records, to hunt up royal

(Testimony of William Schneiderman.)

(Defendant's Exhibit "U"—continued.)

parchments, to investigate the laws and institutions of a semi-barbarous ancestry * * * We had never been permitted to exercise self-government. When forced to assume it, we were novices in its science * * * We established, however, some, although not all its important principles. The constitutions of most of our states assert that all power is inherent in the people, that they may exercise it by themselves in all cases to which they think themselves competent * * *; that they are entitled to freedom of person, freedom of religion, freedom of property, freedom of press."

Letter to Governor Plumer, 1816, P. 26, Ibid.

"The idea that institutions established for the use of the nation cannot be touched nor modified, even to make them answer their end, because of rights gratuitously supposed in those employed to manage them in trust for the people, may perhaps be a salutary provision against the abuses of a monarch, but is most absurd against the nation itself. Yet our lawyers and priests generally inculcate this doctrine, and suppose that preceding generations held the earth more freely than we do; had a right to impose laws on us, unalterable by ourselves, and that we, in like manner can make laws and impose burthens on future generations, which they will have no right to alter; in fine, that the earth belongs to the dead and not the living."

(Testimony of William Schneiderman.)

(Defendant's Exhibit "U"—continued.)

Letter to T. Earle, 1823, P. 26, Ibid

"That our Creator made the earth for the use of the living and not of the dead; that those who exist not can have no use nor right in it, nor authority or power over it; that one generation of men cannot foreclose or burthen its use to another, which comes to it in its own right and by the same divine beneficence; that a preceding generation cannot bind a succeeding one by its laws or contracts; these deriving their obligation from the will of the existing majority, and that majority be removed by death, another comes in its place with a will equally free to make its own laws and contracts; these are axioms so self-evident that no explanation can make them plainer."

[Endorsed]: Defendant's Exhibit "U". Filed Dec. 13, 1939.

That is all of the direct examination.

Cross Examination

Mr. Hennessy: Q. Mr. Schneiderman, I understand from your testimony that until 1938 the Communist Party of the United States of America never had a written constitution?

A. That is right.

Q. Did the Workers Party of America have a written constitution?

A. It had drafts of constitutions which were never finally adopted by the Party.

(Testimony of William Schneiderman.)

Q. I show you Government's Exhibit No. 27, purporting to be a "Program and Constitution of the Workers Party of America," adopted at the National Convention in New York City, December 24, 25, 26, 27, 1921; and amended at the National Convention, Chicago, Illinois, December 30 and 31, 1923, and January 1, 1924, published by the literature department of the Workers Party of America, Chicago, Illinois. Why did the literature department of the Workers Party of America publish this program and constitution of the Workers Party of America, stating it was adopted, on this pamphlet, if no constitution and program had been adopted.

Mr. Andersen: May I at this time renew the motions heretofore made, which were reserved to the defendant, namely, to exclude all of these documents in evidence on the ground of insufficient [470] foundation having been laid; and the other grounds heretofore urged as objections to the introduction of these books in evidence. That objection goes from Exhibit 6 to and including 19, and from Exhibit 26 to 29, inclusive, all of those being introduced by the Government.

The Court: For the purpose of the record, in what respect has not the foundation been laid?

Mr. Andersen: Taking Exhibit 27 that has just been taken from the clerk by Mr. Hennessy, that exhibit was merely introduced in evidence on the statement of Mr. Hynes of the police department of Los Angeles to the effect that he had taken this

(Testimony of William Schneiderman.)

particular document in raids on certain quarters,—that is, certain headquarters of the Communist Party. He testified that he was not an expert on the subject of Communism, and the only use to which he put all of these documents was to go through them, and, wherever he saw passages relating to the use of force and violence, he would underline them——

Mr. Hennessy: Of course, that is not his testimony.

Mr. Andersen: I think I am substantially stating it—and that he would use those quotations or refer to them for the purpose of determining in his own mind as to whether or not the Communist Party believed in or advocated force and violence, or, in short, was an unlawful organization. On cross-examination he admitted, in so many words, that he was not an expert nor did he profess to be an expert; he was simply a policeman, looking for evidence. That is the gist of his testimony. We objected to it on the ground that no proper foundation was laid for the introduction of this evidence. In the first place, it was evidence seized on illegal raids, and the subject of a motion to suppress heretofore made.

Mr. Hennessy: Oh, no; it was seized by a police officer.

Mr. Andersen: It was seized by a police officer in an illegal [471] raid.

Mr. Hennessy: The federal provision does not apply to cases of that kind.

(Testimony of William Schneiderman.)

Mr. Andersen: And, furthermore, even if we were to assume the correctness of Mr. Hynes's testimony, there is no evidence, so far as Mr. Hynes is concerned or so far as this particular document,—Plaintiff's Exhibit 27,—is concerned, that it was ever an official document of the organization which is before the Court. Now, this document here, so far as this witness is concerned, and as he has testified,—and this man is quite an expert on the subject,—he was a member of this organization for years—is not an official document of this organization which is before the Court.

Mr. Hennessy: That is your statement. It was issued by the Party. If it is not official, how could it become official?

Mr. Andersen: The only evidence tending to show it was ever used by this organization is the statement of Mr. Hynes, who admitted that he took it out of the headquarters of the Communist Party during one of his illegal raids. That is insufficient.

Mr. Hennessy: Is that all of your statement?

Mr. Andersen: Yes.

Mr. Hennessy: I will read from page 91——

The Court: Might I offer a suggestion? If there is any doubt about this, maybe the witness on the stand can give us more information in regard to this.

Mr. Andersen: I think your Honor's suggestion is a good one.

Mr. Hennessy: There is no doubt about it, your Honor. The testimony of Mr. Hynes is as follows:

(Testimony of William Schneiderman.)

"Mr. Mercado: Q. I will show you a pamphlet and ask you if you have ever seen that pamphlet before. A. Yes, I have.

"Q. Where and under what circumstances?

"A. I have seen a copy of this 'Programme and Constitution of the Workers Party of America,' [472] when I joined the organization.

"Mr. Andersen: What is the date of that?

"The Court: Q. Has it a date?

"A. It is December 24, 25, 26, 27, 1921, amended at National Convention, Chicago, Illinois, December 30-31, 1923, and January 1, 1924. As I say, I received a copy of the 'Program and Constitution' when I joined the organization. This particular copy, however, was taken on the arrest of Sam Globerman, at 322 West Second Street, on August 6, 1927. I recall specifically receiving a number of copies of this 'Program and Constitution,' in 1925 or 1926, on the ground floor of the Simpson Building, I think it is on Third and Spring Street, in Los Angeles. I know that I have about 18 or 20 copies of this, which was circulated by the parties at that time."

It was circulated by the Communist Party. It was delivered to Mr. Hynes when he joined the Party. It is part of their propaganda. It purports to have been issued by the Workers Party. It came from the office of the Workers Party.

(Testimony of William Schneiderman.)

Mr. Andersen: That is true; it purports, on its face, to be issued by the Workers Party of America, although the word "Workers" is partly concealed by the paper placed on the front of it. He did not state he received a copy of it when he joined the Communist Party. Of course, the inference there is, although it is not stated, he received it when he joined the Communist Party—although that is not definitely stated; but, even so, the evidence is insufficient. Now, it is true they may have received a copy of this; but there is no showing that this literature was printed by that organization or circulated by that organization.

Mr. Hennessy: He testified it was circulated.

Mr. Andersen: That is only his conclusion.

Mr. Hennessy: No; that is the fact.

Mr. Andersen: It is only his conclusion. [473]

Mr. Hennessy: He testified to the fact, to the circulation.

The Court: Pass the copy up to me.

Q. Were you a member of the Workers Party of America in 1924? A. Yes, sir.

Q. You were, in 1921? A. No.

Q. 1921 and 1922?

A. I joined the Young Workers League in the spring of 1922. I joined the Workers Party at the end of 1924; and I believe I was accepted and admitted to membership at the beginning of 1925.

The Court: The objection will be overruled.

Mr. Hennessy: May I have the question read?

(Testimony of William Schneiderman.)

Mr. Andersen: I would like to have the Court rule upon my motions at the present time.

The Court: Very well, the objection will be overruled.

(Question repeated by the reporter)

A. I presume that the program and constitution, if that is the program adopted by a convention, it was circulated as a draft for discussion. I, myself, as I said before, do not remember this particular pamphlet; but I do recall that drafts of the constitution and program were frequently presented to the membership for discussion, after every conference or convention of the Party.

Mr. Hennessy: Q. There is nothing about this program and constitution that would lead one to believe that it was a draft, is there, Mr. Schneiderman?

A. Not in this pamphlet, except my understanding and the statement of our Party officials that no program or constitution was ever officially adopted by convention, or ratified by the membership, until 1938.

Q. When you joined the Communist Party of America, what were the aims and objectives of that party?

Mr. Andersen: Might I object to the form of that question? [474] The question, I think, can be properly divided in two subdivisions, namely, first: "What was the name of the Party?"; and then, secondly, "What were the aims of the organization," as understood by the witness.

(Testimony of William Schneiderman.)

The Court: Read the question. (Question repeated by the reporter) The objection is overruled. You may answer.

A. As I understand the aims and objectives of the Workers Party, its purpose was to organize and educate the people, particularly the working class, to understand the nature of capitalistic society, to study the history of the class, and to accept the program of a socialistic system of society. That was my understanding of the aims and objectives of the Party.

Mr. Hennessy: Q. What did you understand by the "socialistic system of society"?

A. A system of society in which the basic means of production and exchange would be socially-owned by the people, through their representative form of government.

Q. Through a representative form of government? A. Yes.

Q. The nature, then, of the socialistic society as contemplated by the Workers Party is not that contemplated by the Communist Internationale?

A. I believe that the socialistic system of society was generally along the same lines as it is stated in the program of the Communist Internationale.

Q. Did not the Workers Party of America have as its objective the establishment of a communistic society?

A. That is not an exact term. The term "communism" is not used synonymously with socialism. We see society in the process of development, and

(Testimony of William Schneiderman.)

we believe that, if the means of production and exchange are owned socially, that this would be the first stage of a new order of society which would eventually develop into communism.

Q. Your objective was to establish a new communistic society? A. Yes, ultimately. [475]

Q. And the first step would be the control by the workers of the means of production and of distribution?

A. The first step would be the establishment of social ownership of the means of production, but control by the workers could not be established except through some form of government which would take the means of production into its own hands.

Q. That form of government is usually referred to as "the dictatorship of the proletariat"?

A. No; it is not.

Q. What form of government would it be, then?

A. I can refer back to the quotation I made in my statement: that the dictatorship of the proletariat referred to the rule of a particular class of society. In fact, Lenin stated that the dictatorship of the proletariat is not a form of government but a state of things. It reflects a rule of a particular class in society, in relation to other classes and in its relation to social conditions of the period. In other words, when we speak about the dictatorship of the proletariat, we do not speak of putting in any specific form of government.

Q. But you speak of a form of government in

(Testimony of William Schneiderman.)

which the workers control the agencies of the government; isn't that correct?

A. No. We speak about the system where the majority of the people—which includes the working class,—controls the agencies of the government.

Q. Why is it called "the dictatorship of the proletariat," then?

A. Because we believe that, in the broad sense of the word, every state is essentially the instrument of one particular class or group of society.

Q. In this country, what group is in the control of the government, in your opinion?

A. It is our belief that the United States of America, as well as any capitalistic society, reflects the [476] economic interests of the dominant class, —the monopolistic class.

Q. Do you believe that the states in the United States are dominated by the capitalistic class?

A. Yes, I believe that its main functions are influenced by those who own the basic means of production.

Q. And the Communist Party wants to bring about the change of that condition, doesn't it?

A. The Communist Party wants to bring about the condition whereby the majority of the people will influence the state as much as if not more than the monopoly capitalists.

Q. As a matter of fact, they want to abolish all classes, don't they?

A. No; they do not want to abolish all classes.

(Testimony of William Schneiderman.)

They believe that the development of society will eventually reach a stage where class distinction will disappear; but we do not believe that we can abolish all classes.

Q. But you are in favor of that, are you not?

A. I believe that it would be desirable that there should be no class struggle and no difference between classes.

Q. And you advocate that condition, do you not?

A. I do not know whether you would call it "advocate." I certainly predict that, if socialism is the order of society under which we would live, classes would probably disappear.

Q. And since 1922, when you affiliated yourself with the Communist organization, you have done all you could to further that, have you not?

A. I have done all I could to educate the people in the principles of socialism.

Q. To the end that all classes will be abolished?

A. As I said before, I do not think that that depends on the will of the Communist Party. That would be contrary to the teachings of Marx. I believe that is the process that will inevitably come about. [477]

Q. You believe that is a good thing?

A. If it does away with the subjugation of one class by another, I think that would be desirable.

Q. Do you believe that the United States Government is dominated by the capitalistic interests of the United States?

(Testimony of William Schneiderman.)

A. I think there are plenty of indications in present-day history to prove that.

Q. And the United States Government is regarded by you as a capitalistic government?

A. No; I regard the United States Government as a democratic form of government. The present system of society is what we describe as "a capitalistic system." We do not attribute to any particular form of government a term which expresses economic relationship; but we do think that a certain type of government might be influenced or reflect interests of some particular class.

Q. Do you regard our Government as an instrument of the capitalistic class?

A. I believe that there are plenty of actions of the Government which would indicate that it carries out certain wishes of the dominant group of society. I might give instances.

Q. And you are anxious to bring about a change in that, are you not?

A. I would like to see that the Government would become more interested in favor of the people. I might say that the Government at times does express the interests of the people, but it seems to me that the Government's actions are the result of a certain form of pressure in which, at times, the opinion of the mass of the people is reflected in the actions of the Government, in which case they will carry out the wishes of the people. At other times, they reflect the interests of the dominant group in

(Testimony of William Schneiderman.)

society; and, at that time, they carry out the wishes of the dominant group. Unfortunately, I believe, more often it reflects [478] the influence of the monopoly class, although, as I have stated, in recent times there are plenty of instances where, by definite processes, the people have been able to influence the Government to carry out their wishes in regard to their interests.

Q. Do you believe that it will be possible to bring about this socialization by democratic processes in this country?

A. Yes, I do; and I certainly hope so.

Q. You disagree with John Strachey in that regard, do you?

A. I do not see any contradiction between what I have said and what John Strachey has said.

Q. Didn't you show, in this preface that you read yesterday, he did not believe that it could be brought about by democratic process?

A. No; he said that he did not believe that the dominant group would permit peaceable means to bring about the change in the system of society; and he said, if revolution occurs, it will be because the dominant group will itself use forms of repression which will bring about revolution. In fact, his contention is, as already stated in my statement, the Marxian theory.

Q. I will read from page 16, Mr. Schneiderman, of this book of John Strachey, "The Coming

(Testimony of William Schneiderman.)

Struggle For Power," the introduction, in which he uses the following language:

"It is not true that there exists today in England and America democratic, constitutional machinery which can be used for the abolition of capitalism and the organization of socialism."

Do you agree with that?

A. Is that in the preface, or in the body of the book?

Q. It is in this introduction from which you read yesterday.

A. I do not think that one can compare mechanical conditions in Great Britain and America. Mr. Strachey's opinion seems to be that there is no possibility that democratic, constitutional means will [479] bring about the development of socialism. I do not think that one can predict this definitely one way or other, because our theory is that the development of revolution depends entirely upon what the dominant case will do. I have already stated that, on numerous occasions, Marx and Engels and Lenin state that, under certain conditions, it was possible for a revolution to take place peacefully and by democratic means; but that does not depend so much on the will of the people or any particular party or individual, but depends on the manner in which the dominant group reacts under certain conditions in society.

Q. Did he state it might be possible in England and the United States that this revolution could be

(Testimony of William Schneiderman.)

brought about by peaceable means?

A. Yes; he said that the state will not use the means of repression.

Q. But he also contemplated that, by the force of circumstances, the proletariat might be compelled to use force to bring about this change, didn't he?

A. He said that the history of revolutions was that, when a majority of the people wished a change in the existing system and the minority used repression against them, they have always resorted, if they could not use peaceable and constitutional means—they have always resorted to revolutionary means. I think that his prediction was that the lesson of history will repeat itself.

Q. What are your views in regard to the abolition of private property?

A. I believe, as Marx did, that essentially private property is something which is not enjoyed by all, even today, because the very process of development of capitalism generally brings private property; and that is merely the means of production and exchange in the United States, to a small group, monopoly capitalists; and, furthermore, the development of capitalism is such [480] that the capital not only of workers but the middle-class is expropriated, in the sense that they also are thrown into a class,—a working class,—by the development of competition and the inability to stand up against big capital. In other words, this condition shows that private property for the big majority of the

(Testimony of William Schneiderman.)

people is a myth.

Q. You believe that private property is a myth in the United States?

A. In the sense that the means of production and exchange, which are the basic forces in any society, are in the hands of a few people; and our contention is that private property should belong to all the people.

Q. That there should be no private property?

A. No; that is not correct. We have stated that we believe in the retention of all personal property for personal use; but we do not believe that the means of production should be in the hands of a few, because those means of production are used as an instrumentation of the exploitation of the many by the few. In fact, I could quote from a document which I think was introduced yesterday in evidence, from the "Constitution of the Soviet Union," that private property is protected by law; that is, that all property for personal use is protected by law, as well as all income from work and savings are protected by law. In other words, we do not contemplate the abolition of all private property.

Q. Did Marx contemplate the abolition of private property?

A. Not of all private property; no.

Q. I will direct your attention to some remarks of Marx; and ask you to construe them—on page 23 of the Communist Manifesto, Government's Exhibit No. 7——

(Testimony of William Schneiderman.)

The Court: Q. Would you term a farmer "a capitalist"? A. No.

Q. Why?

A. There are distinctions among farmers. There are [481] some farmers who, if they employ labor, exploit labor, and would be considered capitalists, in that sense.

Q. What about a million farmers that do not employ labor?

A. We do not consider them capitalists.

Q. How do you make that distinction?

A. The distinction is because they do not exploit labor; in fact, we do not even consider a farmer a capitalist who occasionally has to hire seasonal labor in order to get in his crop; but our term of "capitalist" refers to the large-scale farmer.

Q. Then, there would be classes, as far as farmers are concerned?

A. Yes, there are also class distinctions among farmers, in our opinion.

Mr. Hennessy: Q. I direct your attention to the following language used by Marx in the "Manifesto of the Communist Party," being United States Exhibit No. 7 in evidence, from page 23:

> "The distinguishing feature of Communism is not the abolition of property generally, but the abolition of bourgeois property."

What do you mean by "bourgeois property"?

A. That means the ownership of the means of production and exchange.

(Testimony of William Schneiderman.)

Q. The bourgeois is a group,—a class in society,—is it not?

A. The bourgeois usually refers to the capitalist class.

Q. And the "abolition of bourgeois property" means abolition of property of the capitalistic class, does it not?

A. No; it does not. If I may, I could explain that and show how dangerous it is to read simply one sentence——

Q. (Interrupting) You will have an opportunity to do that, later.

Mr. Andersen: May he be permitted to explain on that situation, as we go along, in order that the context may appear?

Mr. Hennessy: No; I think I have a right to question this witness. On redirect examination, you can do that, if you want to. [482]

The Court: Proceed.

Mr. Hennessy: Q. The book further proceeds with this language:

> "But modern bourgeois private property is the final and most complete expression of the system of producing and appropriating products that is placed on class antagonism, on the exploitation of the many by the few. In this sense, the theory of the Communist may be summed up in the single sentence: abolition of private property."

(Testimony of William Schneiderman.)

Does that express your views?

A. I would like to express my views.

Q. I am asking you this question; answer it "Yes" or "No," and then you can make any explanation you wish.

A. I would answer "Yes," if it is understood that he is referring to a historical epoch and of the transition of one form of society to another; but I do not think that that expressly accurately our views regarding private property, and I would like to explain why.

Q. Did it meet your views when you were admitted to citizenship on June 10, 1927?

A. I think I said, before, that, at the age of 16 or 18, I would not presume to have had a complete knowledge of all aspects of the Marxian theory.

Q. You were older than 16 or 18 when you were admitted to citizenship, weren't you, on June 10, 1927?

A. I applied for citizenship at the age of 18.

Q. I am questioning when you were admitted to citizenship, June 10, 1927.

A. I would say that, in so far as I understood the Marxian theory at that time, it expresses my general views. I would like to explain this particular phrase, though, because, when one sentence is taken out of a whole work or a whole series of works, it is very easy to read something into it which it is not. [483]

The Court: Q. Did he read anything into it?

(Testimony of William Schneiderman.)

A. Yes; he read into it the abolition of all private property.

Mr. Hennessy: That is what Marx stated: abolition of private property.

The Witness: The abolition of private property, in this sense, refers to the abolition of the ownership of the means of production and exchange.

Mr. Hennessy: Q. He says, "abolition of bourgeois property"; and you say "bourgeois" is "capitalism"?

A. That is taken from Marx, to indicate what Marx meant by this phrase.

Q. I will direct your attention to the language used on page 25 of the "Manifesto of the Communist Party," by Karl Marx and Friedrich Engels, being Government's Exhibit No. 7, in which it is said:

> "In a word, you reproach us with intending to do away with your property. Precisely so; that is just what we intend."

Did that express your views when you were admitted to citizenship?

A. I think that is a rhetorical phrase which is frequently used in polemics.

Q. What are your views in regard to the abolition of countries or nationalities?

A. I do not believe in abolition of countries or nationalities, because I do not believe that they can be abolished by any particular act or will of society.

Q. Do you think it desirable that countries and

(Testimony of William Schneiderman.)

nationalities be abolished?

A. No; I do not believe they can be abolished, because they grow from certain historical, cultural and economic roots.

Q. I direct your attention to the following language contained in the "Manifesto of the Communist Party," by Karl Marx and Friedrich Engels, United States Exhibit No. 7 in evidence, which says, at page [484] 28:

> "The Communists are further reproached with desiring to abolish countries and nationality. The workingmen have no country. We cannot take from them what they have not got. Since the proletariat must first of all acquire political supremacy, must rise to be the leading class of the nation, must constitute itself the nation, it is, so far, itself national, though not in the bourgeois sense of the word."

Do those lines meet with your approval?

A. I think what Marx meant there is that the interests of the working people everywhere are international.

Q. Can you answer that question "Yes" or "No"?

A. No; I cannot answer that "Yes" or "No." I cannot discuss a philosophical or moral concept by saying "Yes" or "No."

Q. What are your views in regard to the abolition of countries and nationality?

(Testimony of William Schneiderman.)

A. I think I have stated them already: that nations and countries, nationalities and countries, grow out of certain historical, economic and cultural roots. I do not believe that they can be abolished. Perhaps the relationship between them may change at some time in some future development of society, but I certainly do not think that they can be abolished.

Q. Do you believe that workingmen have no country?

A. No; I believe every workingmen has a country, a country to which he owes allegiance.

Q. Did Lenin teach that this change from the capitalistic system to the rule of the proletariat could be brought about by peaceable means?

A. Lenin's views were essentially the same as Marx's views; but that lessons in history indicated that no revolution could be peaceable as long as the dominant class of society would use methods of repression against the people.

Q. He taught, did he not, that the use of force by the proletariat [485] was necessary in order to crush capitalism?

A. He taught, under the conditions of Tzarist Russia, with the repression used against the workers and peasants there, that the use of force would be necessary; but I would like to explain that Lenin never believed that force should be used unless the majority of the people had exhausted all peaceable and other democratic means of bringing about the

(Testimony of William Schneiderman.)

change that they desired, and that his speaking about the use of force was simply another example of what historical development had taught us: that is, that a change could be expected if the ruling class of any particular society submitted to peaceful and democratic means, and, if they did not submit to peaceful or democratic means, then the majority of the people took things into their own hands.

Q. What disposition was to be made of the holdings of landed proprietors, in this change, Mr. Schneiderman? A. Do you mean in Russia?

Q. No; in this country or wherever the change was consummated.

A. We have not contemplated the exact means of what socialism means for land. We do believe that it would probably be operated on a cooperative basis, by the means——

Q. Doesn't it agitate the nationalization of all landholders? A. Doesn't what?

Q. The socialistic program.

A. Our program believes that all of the means of production—and that includes agriculture—require social ownership.

Q. There is no provision made for compensation of private owners whose property is expropriated, is there?

A. Well, that depends upon what a particular government decided should be the means of establishing social ownership; that is something that we cannot predict, although I might say that Lenin

(Testimony of William Schneiderman.)

stated, at one time, that it was directly conceivable, under certain conditions, nationaliza- [486] tion could take place, with compensation; but there might be some confusion when we speak about "nationalization." We Communists of America of today speak about the nationalization of the banks, the railroads and the munition industry; but we are not proposing nationalization—For instance, we are proposing nationalization, in the ordinary accepted sense of the word,—that is, government ownership, with compensation, because we do not believe that social ownership can take place, under the present order of society, until the majority of the people want social ownership.

The Court: We will take a recess for a few minutes.

(After Recess)

Mr. Hennessy: Q. Mr. Schneiderman, I direct your attention to the following statement contained in the "Manifesto of the Communist Party," by Karl Marx and Friedrich Engels, being United States Exhibit 7 in evidence, at page 44:

> "The Communists disdain to conceal their views and aims. They openly declare that their ends can be attained only by the forcible overthrow of all existing conditions. Let the ruling classes tremble at the Communist revolution."

Does that meet with your approval?

A. I look upon this as a document which was

(Testimony of William Schneiderman.)

written in 1848, and applying to conditions in Europe at that particular time.

Q. Stalin believes that force has to be used to bring about this dictatorship of the proletariat, doesn't he? A. What is that?

Q. Stalin believes that force has to be used to bring about this dictatorship of the proletariat, doesn't he?

A. Stalin accepts the general Marxian principles on that.

Q. I direct your attention to "The Theory and Practice of Leninism," by I. Stalin, being United States Exhibit No. 11 in evidence, page 30, and direct your attention to the following language:

[487]

> "The dictatorship of the proletariat is born not of the bourgeois state of things but of its destruction at the overthrow of the bourgeoisie, of the expropriation of landed proprietors and capitalists, of the socialization of the essential instruments and means of production, of the development of the proletarian revolution through violence. The dictatorship of the proletariat is the revolutionary power resting on violence against the bourgeoisie."

Doesn't he there contemplate that the proletariat dictatorship shall be developed through violence?

A. I believe that reference you have given relates to Russian conditions and history and development of the Russian revolution.

(Testimony of William Schneiderman.)

Q. It expresses that philosophy, doesn't it?

A. Yes, it does.

Q. And his philosophy is approved in the constitution of the Communist Party of the United States of America, isn't it?

A. It is not his philosophy; it is Marx and Lenin.

Q. That is the philosophy of Marx, Engels, Lenin and Stalin?

A. Yes. Stalin is considered one of the disciples of Mr. Marx.

Q. And Stalin, in this quotation, contemplates the expropriation of landed proprietors and capitalists, doesn't he?

A. He speaks about a development of the Russian revolution there.

Q. He uses the language, "expropriation of landed proprietors and capitalists," doesn't he?

A. Yes.

Q. He does not believe in the expression of Marx that it may be possible to bring about this revolution through democratic processes?

A. If you are trying to find a contradiction between Stalin's views and Marx', I do not think you will find it. Stalin generally believes in the Marxian theory; and Marx stated under certain conditions revolution might be obtained peaceably.

Q. Might possibly be attained peaceably?

A. Yes.

Q. I will direct your attention to the following

(Testimony of William Schneiderman.)

language contained [488] at page 32 of this book, "The Theory and Practice of Leninism," by I. Stalin, being United States Exhibit 11, which says:

> "Second deduction. The dictatorship of the proletariat cannot be the result of the peaceful development of bourgeois society and democracy; it can be the result only of the destruction of the bourgeois army and state machine, the bourgeois administrative apparatus and the whole bourgeois political system."

And, down below, a few lines, he says:

> "Marx's limitation with regard to the 'continent' has furnished the opportunists and Menshevics of every country with a pretext for asserting that Marx admitted the possibility of a peaceable transformation of bourgeois democracy into proletarian democracy, at least some countries (England and America). Marx did in fact recognize the possibility of this in the England and America of 1860, where monopolist capitalism and imperialism did not exist and where militarism and bureaucracy were as yet little developed. But now the situation in these countries is radically different; imperialism has reached its apogee there and there militarism and bureaucracy are sovereign. In consequence, Marx's restriction no longer applies."

Now, apparently Stalin believed that in order to bring about this change in America at the present

(Testimony of William Schneiderman.)

time force and violence would be necessary, didn't he?

A. Not necessarily. He was speaking about a certain argument against socialism. He believes that, under conditions, a revolution could take place by peaceful means; and he was simply dealing with—Marx did not refer to the possibility of the peaceful revolution wherever repression might be used by the minority against the majority.

Q. I direct your attention to the "Programme of the Communist International," being United States Exhibit No. 6, Mr. Schneiderman. [489] You subscribe to this program, do you not?

A. I have not, as I have identified——

Mr. Andersen: (Interrupting) Is that the document that was published in 1928?

Mr. Hennessy: Yes; it was published by the Workers Library Publishers.

The Witness: A. ——I agree with the general theoretical conclusions.

Q. Do you subscribe to their conclusions in regard to the abolition of private property?

A. In so far as they expand the Marxian theory, yes.

Q. Do you subscribe to "The Platform of the Class Struggle," being the national platform of the Workers Communist Party, I think, of 1928, U. S. Exhibit 15?

A. I think I have stated that I am not familiar with this particular platform, and I could not say

(Testimony of William Schneiderman.)

except generally that I was in agreement with it, because, as I have said, the author of this platform was subsequently expelled from the Party.

Q. Did you support the candidates for president of the Communist Party or the Workers Communist Party in 1928? A. Yes, I did.

Q. They ran on this platform, didn't they?

A. I think they did.

Q. Who were the candidates that year?

A. Foster for President and Gitlow for Vice-President.

Mr. Andersen: I think the record should show, at this time, that it was a year after that he was admitted to citizenship.

Mr. Hennessy: Yes. His activities afterwards are admissible, to show his state of mind at a particular time.

Q. I show you this book entitled, "The Second Year of the Workers Party of America," being United States Exhibit No. 13 in evidence, Mr. Schneiderman; it is a report of the central executive committee [490] of the Third National Convention, held in Chicago, Illinois, December 30-31, 1923, and January 1, 2, 1924; and I will ask you if you subscribe to the program and resolutions contained in this book. Are you familiar with the book?

A. No; I am not familiar with this program. I believe this was before my membership in the Party, and did not attend the conventions, and I do not recall.

(Testimony of William Schneiderman.)

Q. You joined the Party in 1922, didn't you?

A. No; I did not.

Q. You joined the Young Workers League?

A. The Young Workers League; but we did not consider ourselves bound by the Workers Party program.

Q. You joined the Workers Party in what year?

A. At the end of 1924.

Q. You referred to certain quotations specifically of Abraham Lincoln and Thomas Jefferson as justifying the use of force by the majority to bring about a change in government. Do you believe in those principles?

Mr. Andersen: I believe, may it please the Court, that he has not properly stated the evidence. As I understand it, those quotations were introduced, of course, but not for the purpose of justifying a revolution. They were introduced, as I understand it, for what they showed on their face, without Mr. Hennessy paraphrasing them.

Mr. Hennessy: I think he did quote from them to justify a revolution. That is the only purpose they could be offered for.

The Court: Read the question (Last question repeated by the reporter.) The witness may answer.

The Witness: A. I referred to Jefferson and Lincoln because, in my statement, I indicated that a recognition of certain historical facts was not necessarily limited to the Communist doctrine; and I fur-

(Testimony of William Schneiderman.)

ther stated that our recognition of those facts and our [491] analysis of them is not only admitted by the Communist Party but is also admitted by authorities in American political life who were revolutionaries in their own particular days. I introduced those quotations in order to bear out my claims that there was no essential difference in our analysis of the historical processes, including revolutions, than those stated by Jefferson and Lincoln; and in so far as they state that under certain conditions a majority of people can change the government or use revolutionary means to change the government, I think that they bear out the main contention of the general features of Marxism.

Q. And of the Communist Party?

A. So far as we apply Marxism, yes.

Q. You believe, in the event of the Communist Party becoming a majority party of the United States, they would be justified in using force and violence to bring about a change in our form of government?

A. No. I stated that I believed that the majority of the people, if peaceful, democratic and constitutional means were no longer open to it, by reason of the illegal resistance of the dominant group —I would say that the majority of the people, if they felt that there were no longer means of attaining their end, would be justified in establishing a government that expressed their beliefs and desires; and, as far as the Communist Party is concerned,

(Testimony of William Schneiderman.)

the Communist Party would not propose or advocate in any way the use of force if they were able to attain a majority; but we have to assume that, if it were possible for the Communist Party to attain a majority in this country, it would be able by peaceable, democratic and constitutional means to achieve its program unless some illegal force was used gainst that majority.

Q. In the event of a war between the United States of America and [492] the Union of the Soviet Republic, would you be willing to bear arms on behalf of the government of the United States against Soviet Russia?

A. Yes. I believe that is one of the obligations of citizenship.

Q. Would you do it?

A. I would: but that would not reflect my particular opinion of such a war.

Q. What is your particular opinion of such a war?

Mr. Andersen: I object to that as being speculative, may it please your Honor, and beyond the scope of the direct examination.

The Court: The witness may answer.

The Witness: A. First of all, I do not conceive of the possibility of a war between the United States and the Soviet Union. I do not see any particular reason for it, unless the economic groups in power in this country would deliberately incite such a war in order to destroy the Soviet Union. As for

(Testimony of William Schneiderman.)

the Soviet Union, I do not believe that the Soviet Union would at any time engage in an aggressive war against the United States. That is why I say I cannot conceive of the possibility of such a war.

Mr. Hennessy: Q. Well, in the event it did happen, what would be your position?

A. My position would be that I would bear arms.

Q. You would bear arms against Soviet Russia?

A. If I were so required, yes; but my opinion of such a war, if I believed it to be an unjust war, would still be my own; that is, if I believe that the United States was engaged in an unjust war against the Soviet Union, I believe that I would have the right to those opinions and express them.

Q. Would you refuse to bear arms?

A. No; I would not.

Mr. Hennessy: I think that is all. [493]

Redirect Examination

Mr. Andersen: Q. You were asked by Mr. Hennessy several questions bearing upon the interpretation of the attitude of Marx and the Communists toward private property. Now, will you explain in detail your views in reference to those questions?

A. Yes. The question referred to a particular phrase which seemed to indicate that the Communists and Marxists believed in the abolition of all private property. I insist that this is an incorrect interpretation which can only be taken by taking one sentence out of a context. Now, the particular

(Testimony of William Schneiderman.)

context to which Mr. Hennessy referred deals with the whole argument of how, under capitalism, the property of the working class and also of the middle class is expropriated by the very process of capitalism itself; that is, that workers do no longer own the tools and means of production, that the middle classes are gradually transferred into the ranks of the working class, and that this expropriation is one of the inevitable features of the nature of capitalism.

In the course of this argument, the Communist manifesto says—Just one moment. One of the quotations cited by Mr. Hennessy was: "In this sense, the theory of the Communist may be summed up in the single sentence: Abolition of private property."

Q. What page is that?

A. In my particular text here, it is page 23, Part II. But the preceding paragraph indicates that this was just a rhetorical conclusion of a whole argument; for instance, the manifesto says:

> "The distinguishing feature of Communism is not the abolition of property generally, but the abolition of bourgeois property. But modern bourgeois private property is the final and most complete expression of the system of producing and appropriating products that is based on class antagonisms, on the exploitation of the many by the few." [494]

In other words, he refers to one kind of property

(Testimony of William Schneiderman.)

which is the instrument of the exploitation of the many by the few. That is what we refer to as the means of production and exchange which we believe should be socially owned; and it was to this Mr. Marx referred when he spoke of the abolition of private property.

I quote further:

> "We Communists have been reproached with the desire of abolishing the right of personally acquiring property as the fruit of a man's own labor, which property is alleged to be the groundwork of all personal freedom, activity and independence. Hardwon, self-acquired, self-earned property! Do you mean the property of the petty artisan and of the small peasant, a form of property that preceded the bourgeois form? There is no need to abolish that; the development of industry has to a great extent already destroyed it, and is still destroying it daily."

Now, Marx here refers with scorn to this argument that the Communists believe in the abolition of all private property; and he considers it even beneath him to answer this argument, because his explanation all through the manifesto and through his other works is that, in the main, private property, for the great majority of the people, has already been abolished, and not by the act of a group or a government or a party but by the process of

(Testimony of William Schneiderman.)

capitalistic exploitation itself. I quote further:

> "To be a capitalist, is to have not only a purely personal, but a social status in production. Capital is a collective product, and only by the united action of many members, nay, in the last resort, only by the united action of all members of society, can it be set in motion.
>
> "Capital is therefore not a personal, it is a social power.
>
> "When, therefore, capital is converted into common property, [495] into the property of all members of society, personal property is not thereby transformed into social property. It is only the social character of the property that is changed. It loses its class character."

Mr. Hennessy quoted another sentence, in which he said:

> "In a word, you reproach us with intending to do away with your property. Precisely so; that is just what we intend."

Mr. Hennessy: There is no ambiguity to that.

The Witness: If you will permit me to read the preceding paragraph, you will see this is a very ambiguous quotation from Marx:

> "You are horrified at our intending to do away with private property. But in your existing society, private property is already done away with for nine-tenths of the population:

(Testimony of William Schneiderman.)

its existence for the few is solely due to its non-existence in the hands of those nine-tenths. You reproach us, therefore, with intending to do away with a form of property, the necessary condition for whose existence is the non-existence of any property for the immense majority of society."

Now, when he goes on to say, "In a word, you reproach us with intending to do away with your property. Precisely so; that is just what we intend," he is giving a rhetorical answer to a charge which is made that the Communists intend to do away with all property; and the answer, of course, is that capital has already done away with private property for nine-tenths of the population. He does not refer to all private property, because, obviously, even the poorest person may own some little personal belongings, which is private property. He refers, when he says that nine-tenths of the population do not own private property, to the means and tools of production, to those things which we say should be socially owned because they have a social character of production. [496] He does say, taking one of these sentences and reading it: the abolition of all private property.

I would like to quote further on this. My quotation is from Marx's book, "The Civil War in France," referring to the Paris Tribunal:

"* * * 'The Commune,' they exclaim, 'intends

(Testimony of William Schneiderman.)

to abolish property, the basis of all civilization.' Yes, gentlemen, the Commune intended to abolish that class property which makes the labor of the many the wealth of the few. It aimed at the expropriation of the expropriators. It wanted to make individual property a truth by transforming the means of production, land and capital, now chiefly the means of enslaving and exploiting labor, into mere instruments of free and associated labor. But this is Communism, 'impossible' Communism! Why, those members of the ruling classes who are intelligent enough to perceive the impossibility of continuing the present system—and they are many—have become the obtrusive and fullmouthed apostles of cooperative production. If cooperative production is not to remain a sham and a snare; if it is to supersede the capitalist system; if united cooperative societies are to regulate national production upon a common plan, thus taking it under their own control, and putting an end to the constant anarchy and periodical convulsions which are the fatality of capitalist production—what else, gentlemen, would it be but Communism, 'possible' Communism?" Marx, "The Civil War in France," p. 44.

And one other quotation to illustrate this point: In an article, "The Peasant Question in France and Germany" (1894), Engels writes:

(Testimony of William Schneiderman.)

> "It is not to our interest to win the peasant today or tomorrow in order that if we are not able to keep our promise he [497] should fall away from us again tomorrow or the next day * * * Neither now nor at any future time can we promise the small peasants that individual property and individual working will be preserved in the face of the supremacy of capitalist production. All we can promise them is that we will not forcibly intervene in the conditions of their ownership against their will * * * And indeed we stand decidedly on the side of the small peasant; we will do everything in any way admissible to make his lot more bearable, to facilitate his transition to the cooperative, if he decides to take this step, and even, if he cannot as yet bring himself to this decision, to make a longer period of consideration possible for him on his holding."

Now, I believe that this answers the question as to whether we believe in the abolition of all private property.

Q. Now, with respect to the further questions asked you by Mr. Hennessy regarding the abolition of countries, would you tell me: do you or the Communist Party or Marx or Lenin advocate the abolition of countries?

A. No. The quotation which Mr. Hennessy read was preceded by the following sentence—which was a charge against the Communists:

(Testimony of William Schneiderman.)

"The Communists are further reproached with desiring to abolish countries and nationality."

Marx considers this too ridiculous to even answer. He said:

"The workingmen have no country——"

in the sense that the economic relations of a certain period and the social conditions of a certain period do not give any particular advantages to the workers; but to read into this that the workers have no country or nationality is a defamation of all historical evidence; and certainly he would be the last one to make such a claim or argument. [498]

Q. I mean: Are you in favor of the abolition of any countries? I assume, from Mr. Hennessy's questions, that he meant that you might be in favor of the abolishing of England. I do not understand it; but what is your view?

Mr. Hennessy: I will tell you what I meant. The Communist Party means the establishment ultimately of the communist society; that is what it means: whereby there will be no countries; there will be no classes; there will be no private property.

Mr. Andersen: That is your interpretation of it.

Mr. Hennessy: Yes, that is my interpretation, justified by their own writings.

Mr. Andersen: In order to clear it up:

Q. Do either you or the Communist Party or the Marx writings, as you understand them, advocate abolition of countries per se?

(Testimony of William Schneiderman.)

A. No. I do not think Marx attempted to answer this particular charge because it was one of those extravagant charges which are frequently made against the Communist Party, and he considered it beneath him to even answer. Of course, we do not believe in the abolition of countries. I consider the country in which I live and in which I work, and I certainly do not believe in the abolition of this country; and, as for nationalities, a nationality isn't something that can be abolished; a nationality grows out of a development of the people from certain historical, economic and cultural roots, and nobody can abolish them; they may change; the relation may change the development of the society, but it certainly cannot be abolished.

Q. Now, with respect, further, to the book written by Stalin and from which Mr. Hennessy quoted, with respect to the same question of private property, do you consider Stalin's interpretation of Leninism the proper Marxist view?

A. Yes, sir.

Q. And, as you understand it, is there anything in the writings of [499] Stalin—this, of course, is repetition—or the entire writings of Marx or Lenin, that contemplate the government's taking of all—and I mean all private property—from the citizens of the country, in the event of the establishment of the socialist regime?

A. No. As a matter of fact, there are other writings by Stalin which indicate that under cer-

(Testimony of William Schneiderman.)

tain conditions the Communists have proposed and do propose not the expropriation but there are certain steps towards nationalization which might even contemplate compensation; but that refers to a condition at a certain particular period, a certain stage in the development. When Stalin refers to expropriating certain things, he refers to the act of a particular government at a particular time. I believe he is referring to the experience of the Russian working class and of the actions of the Soviet government.

Q. Now, there is just one other question: At the time of being admitted to citizenship and five years prior to and ever since that date were you, during all of those times, attached to all of the provisions of the Constitution of the United States and all of the laws thereof?

A. As I understood, and as I understand now, the Constitution and laws of the United States, I believe that I was fully attached to them.

Q. Are you still attached?

A. Both to the spirit and letter of the Constitution.

Q. Are you fully attached to them at the present time? A. I am.

Q. Did you, at the time that you were admitted to citizenship, hold any mental reservation, or do you hold at the present time any mental reservation, in regard to that question?

A. No. I feel that both the spirit and the letter

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of the Constitution should be applied in full force.

Q. Do you understand that there is anything in the law of the [500] United States or in the Constitution of the United States that would prevent or by law prohibit the establishment of a social system of economics in this country under our present democratic system?

A. I would say that it is theoretically conceivable that amending the Constitution may provide for that, but that is, as I see it, a purely academic question.

Q. In other words, briefly stating your problem, it simply is that the minority class, as you referred to them during the course of this trial, simply will not permit the majority of the people in this country to at any particular time institute a socialistic system of economics in the United States?

A. I believe that, if historical experience is correct, that that would probably be the attitude of the governing group in power today.

Q. And your organization and you, yourself, are striving, through peaceable means, to effect the alignment of the majority of the people in the United States with the views of your organization?

A. That is correct.

Q. In order to endeavor to administer the social economy in the United States, through Constitutional means and without any advocating or without any actual use or resorting to force and violence, to achieve that end?

(Testimony of William Schneiderman.)

A. We certainly desire so and hope that it can be had by that means.

Mr. Andersen: That is all.

Recross Examination

Mr. Hennessy: Q. When you became a citizen, of course, you desired to bring about in this country a condition of socialism, didn't you?

A. Yes.

Q. You thought it would be best for this country?

A. I did not believe that it could be done immediately. As I understood it, the development of socialism would be a long-range process. [501]

Q. But you favored it at that time?

A. I favored it, in a general, theoretical sense; but I certainly did not believe it could be done at that time or possibly for a long period of time after that.

Q. When you say, "in a general, theoretical sense," you mean a socialism as expressed in the writings of Marx, Engels and Lenin and Stalin, don't you?

A. Yes; except that my familiarity with writings at that time was limited to the writings of Marx, Engels and probably Lenin. I do not believe that any of the Stalin writings were in circulation or in use at that particular time.

Mr. Hennessy: That is all.

Mr. Andersen: That is all. We rest.

Mr. Hennessy: We rest.

The Court: Is the case submitted on both sides?

Mr. Hennessy: Yes.

Mr. Andersen: Yes.

The Court: How much time do you want for briefing?

Mr. Hennessy: I think we should have thirty days to put in our opening brief, because the reporter has to copy in the testimony of Professor Brown and Professor Thompson, and it is quite voluminous.

Mr. Andersen: Why not simply put it in as an exhibit?

Mr. Hennessy: These volumes belong to the Department of Labor, and would not be available to the Court.

The Court: How much time do you want?

Mr. Andersen: I should like to have forty-five days, may it please your Honor.

The Court: And how much time to answer?

Mr. Hennessy: Thirty days, your Honor.

The Court: Very well.

[Endorsed]: Filed Aug. 1, 1940. [502]

[Endorsed]: No. 9658. United States Circuit Court of Appeals for the Ninth Circuit. William Schneiderman, also known as Velvel Schneiderman, Appellant, vs. United States of America, Appellee. Transcript of Record. Upon Appeal from the Dis-

trict Court of the United States for the Northern District of California, Southern Division.

Filed October 8, 1940.

PAUL P. O'BRIEN,
Clerk of the United States Circuit Court of Appeals for the Ninth Circuit.

United States Circuit Court of Appeals for the Ninth Circuit

No. 9658

WILLIAM SCHNEIDERMAN, also known as Velvel Schneiderman,

Appellant,

vs.

UNITED STATES OF AMERICA,

Appellee.

STATEMENT OF POINTS ON APPEAL

The Appellant herein sets forth the points upon which he intends to and does rely in the consideration of his appeal:

1. Insufficiency of the evidence to show or prove any actionable fraud on the part of Appellant at the time of his naturalization.

2. Insufficiency of the evidence to show or prove any illegality on the part of Appellant in the naturalization proceeding in which appellant was granted citizenship.

3. Insufficiency of the evidence to show or prove that either Appellant, or any organization with which he was associated, or of which he was a member, believed in the overthrow of the government by force or violence, or advocated or taught such principles.

4. Insufficiency of the evidence to show or prove that Appellant, at the times mentioned in the complaint, disbelieved in organized government.

5. Insufficiency of the evidence to show or prove that Appellant, at the time of his naturalization was not, and had not behaved as a person attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same.

6. That the Fourth Finding of Fact is not supported by the evidence.

7. That the Sixth Finding of Fact is not supported by the evidence.

8. That the Seventh Finding of Fact is not supported by the evidence.

9. That the Ninth Finding of Fact is not supported by the evidence.

10. That the statutes under which this proceeding was instituted are unconstitutional, and are unconstitutional as applied to Appellant insofar as they may attempt to restrict and abridge the right of Appellant to freely speak and to have freedom of thought and belief, and as denying Appellant the equal protection of the laws, within the meaning

of the First and Fifth Amendments to the United States Constitution.

11. That as such statutes are applied to Appellant they are unconstitutional in that the word "behavior" is not defined and has been unconstitutionally applied to Appellant.

Dated: October 25th, 1940.

ANDERSEN & RESNER,
Attorneys for Appellant.

[Endorsed]: Filed Oct. 30, 1940. Paul P. O'Brien, Clerk.

[Title of Circuit Court of Appeals and Cause.]

DESIGNATION OF RECORD

The appellant having failed to file or serve upon appellee a designation of record to be printed, the appellee files herewith its designation of record.

The appellee designates the following portion of the record to be printed:

(1) The certified record of the District Court in its entirety;

(2) All of the plaintiff's Exhibits designated as excerpts from the printed exhibits;

(3) All of the defendant's Exhibits designated as excerpts from the printed exhibits;

(4) All of government's Exhibits Nos. 1, 2, 3 & 27.

(5) All of the transcript of testimony in its en-

tirety excepting arguments of counsel;

(6) This Designation.

FRANK J. HENNESSY,
Untied States Attorney.

[Endorsed]: Filed Oct. 18, 1940. Paul P. O'Brien, Clerk.

[Title of Circuit Court of Appeals and Cause.]

REQUEST FOR AND DESIGNATION OF RECORD

To the Clerk of the Above Entitled Court:

Appellant herein files herewith his request for and designation of those portions of the record, proceedings, and evidence to be contained in the record on appeal herein and to be docketed in the Circuit Court of Appeals.

Appellant herein requests and designates for inclusion in said record the following portions of said record:

1. Government's Petition.
2. Answer thereto.
3. All excerpts from various pamphlets offered as exhibits.
4. Findings of Fact and Conclusions of Law.
5. Opinion of Judge Roche.
6. Judgment rendered.
7. The complete transcript of the testimony of the witnesses William Schneiderman, Miles Hum-

phries, William Hynes, Professor Brown and Professor Thompson, eliminating from the transcript of the testimony all arguments and motions.

Dated: October 19th, 1940.

ROBERT W. KENNY,
GEORGE OLSHAUSEN,
ANDERSEN & RESNER,
Attorneys for Appellant.

[Endorsed]: Filed Oct. 21, 1940. Paul P. O'Brien, Clerk.

No. 9658

IN THE

United States Circuit Court of Appeals

For the Ninth Circuit

WILLIAM SCHNEIDERMAN, also known as VELVEL SCHNEIDERMAN,

Appellant,

vs.

UNITED STATES OF AMERICA,

Appellee.

Upon Appeal from the District Court of the United States for the Northern District of California, Southern Division.

PROCEEDINGS HAD IN THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE NINTH CIRCUIT.

PARKER PRINTING COMPANY, 543 SANSOME STREET, SAN FRANCISCO

United States Circuit Court of Appeals
for the Ninth Circuit

Excerpt from Proceedings of Thursday, April 10, 1941.

Before: Garrecht, Haney and Healy,
Circuit Judges.

[Title of Cause.]

ORDER OF SUBMISSION

Ordered appeal herein argued by Mr. George R. Andersen, counsel for appellant, and by Mr. Frank J. Hennessy, United States Attorney, counsel for appellee, and submitted to the court for consideration and decision.

United States Circuit Court of Appeals
for the Ninth Circuit

Excerpt from Proceedings of Monday, April 28, 1941.

Before: Garrecht, Haney and Healy,
Circuit Judges.

[Title of Cause.]

ORDER DIRECTING FILING OF OPINION AND FILING AND RECORDING OF JUDGMENT

By direction of the Court, ordered that the typewritten opinion this day rendered by this court in above cause be forthwith filed by the clerk, and that a judgment be filed and recorded in the minutes of this court in accordance with the opinion rendered.

[Title of Circuit Court of Appeals and Cause.]

Upon Appeal from the District Court of the United States for the Northern District of California, Southern Division.

OPINION

Before: Garrecht, Haney and Healy,
Circuit Judges.

Haney, Circuit Judge:

Appellant seeks reversal of a judgment cancelling and declaring void a decree of naturalization and certificate granted to appellant.

Appellant was born at Rumanov, Russia on August 1, 1905, and emigrated with his father to the United States at the age of three, arriving in New York City on September 22, 1908. Appellant filed his declaration of intention to become a citizen of the United States on February 8, 1924, stating therein: "I am not an anarchist." He filed his petition for naturalization on January 18, 1927, in which he stated:

> "* * * I am not a disbeliever in or opposed to organized government or a member of or affiliated with any organization or body of persons teaching disbelief in or opposed to organized government * * * I am attached to the principles of the Constitution of the United States * * *"

On June 10, 1927, the proper court found that appellant "had in all respects complied with the Naturalization Laws of the United States, and that

he was entitled to be" admitted a citizen of the United States. It ordered that appellant "be admitted as a citizen of the United States of America". Certificate of Naturalization was issued.

On June 20, 1939, an attorney in the Immigration and Naturalization Service, Department of Labor, made an affidavit stating that before he was admitted to citizenship, appellant "declared on oath in open court that he would support the Constitution of the United States, and that he would support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same"; that the naturalization of appellant was fraudulently and illegally procured because (a) at the time of filing his petition for naturalization and during the five-year period preceding it, and at the time of his admission to citizenship, appellant "was not attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same"; and (b) at the time he took the oath of allegiance, appellant "did not in fact intend to support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same"; and that during the period from a date five years prior to the filing of his petition for naturalization to the time of his admission to citizenship, appellant was a member of "the Workers (Communist) Party of America, which organization is opposed to the Government of

the United States, and teaches and advocates the overthrow of the Government of the United States by force and violence".

On June 30, 1939, appellee filed a complaint in the court below, alleging the facts stated above, and that appellant had concealed from the court on the hearing of the petition for naturalization the fact of his membership in the party mentioned above and the "Young Workers (Communist) League of America" and believed in and supported the principles of such organizations.

Appellant answered admitting membership in the Communist organizations and alleged, among other things, that such organizations, their principles, tenets, teachings and beliefs were not opposed or contrary to the principles of the Constitution, but supported the Constitution, and that such organizations did not believe in, teach or advocate the overthrow of the government, Constitution or laws of the United States by force and violence, or force or violence or otherwise, or at all.

The trial court held that appellant "by reason of his membership in such organizations and participation in their activities, was not 'attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same' " and "obtained his certificate of citizenship illegally". 33 F. S. 510, 513.

The court below found that appellant's certificate of naturalization was illegally procured because he was not at the time of his naturalization, and for

five years immediately preceding the filing of his petition had not behaved as a person attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same; that the decree and certificate of naturalization were fraudulently procured because appellant concealed from the court which entered the decree of naturalization the facts that at the time of the hearing of appellant's petition for naturalization, and during the five years immediately preceding the filing of such petition, he was a member of six communist organizations, and believed in and supported the principles of such organizations and of the Third International, of which the six organizations were a section; and that the decree and certificate of naturalization were illegally and fraudulently procured because before his admittance as a citizen, appellant declared on oath in open court that he would support the Constitution of the United States and that he absolutely and entirely renounced and abjured all allegiance and fidelity to any foreign state, whereas in truth and in fact, appellant at such times intended to and did maintain allegiance and fidelity to the Union of Soviet Socialist Republics and to the Third International, and intended to adhere to and support and defend the principles of the Third International.

The court below further found that during all the times material herein, the principles of the six organizations and the Third International were opposed to the principles of the Constitution of the

United States, and that such organizations advised, advocated and taught the overthrow of the government, Constitution and laws of the United States by force and violence and taught disbelief in and opposition to organized government. Judgment was entered cancelling and declaring void the decree and certificate of naturalization. This appeal followed. This action was commenced pursuant to 8 USCA §405, which provides in part:

> "It shall be the duty of the United States district attorneys for the respective districts * * * upon affidavit showing good cause therefor, to institute proceedings in any court having jurisdiction to naturalize aliens * * * for the purpose of setting aside and cancelling the certificate of citizenship on the ground of fraud or on the ground that such certificate of citizenship was illegally procured * * *"

Appellant makes considerable argument to the effect that there was no proof of fraud. It is unnecessary to consider this contention. Cancellation of the certificate of naturalization is authorized by §405 on the ground of illegality. Appellant concedes the distinction between the two grounds, by saying: "Fraud and illegality are here two entirely separate tests and apply to distinct subject matters". He further says: "To establish illegality, as contrasted with fraud, it is necessary for the Government to show that the alien had failed to comply with all of the statutory prerequisities, or that the Court grant-

ing naturalization had similarly deviated from statutory requirements".

Appellant contends that the findings of the court below are not supported by the evidence. We think and hold that the findings of the court below to the effect that the certificate of naturalization was illegally procured, are not clearly erroneous. Federal Rules of Civil Procedure, Rule 52(a). See also: Rule 81(a)(6).

In 8 USCA §381 it is provided regarding an applicant for citizenship:

> "He shall, before he is admitted to citizenship, declare on oath in open court that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to any foreign prince, potentate, state or sovereignty and particularly by name to the prince, potentate, state or sovereignty of which he was before a citizen or subject; that he will support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same."

Under this statute, since the declaration of the alien is to be made "on oath", what he declares must be truthful. If he falsely makes the declaration, it seems clear to us that he obtains his citizenship illegally, if not by fraud, since the oath is a prerequisite to citizenship. (United States v. Schwimmer, 279 U. S. 644; United States v. Macin-

tosh, 283 U. S. 605), and the applicant does not, therefore, comply with the statute. That statute requires, among other things, that the applicant must honestly declare: (1) that he will support the Constitution of the United States; and (2) that he absolutely and entirely renounces all allegiance to any foreign state. The inquiry under that statute here is: did appellant falsely declare (1) that he would support the Constitution of the United States; and (2) that he renounced absolutely and entirely all allegiance to any foreign state.

Supporting that view is the statement in United States v. Ginsberg, 243 U. S. 472, 475, that if a certificate of naturalization is "procured when prescribed qualifications have no existence in fact it is illegally procured". To the same effect is United States v. Siem, 9 Cir., 299 F. 582, 583, where it is said that "illegally procured" in §405 "means procured contrary to the provisions of the law".

Appellant makes the further argument that he had complied with the procedural requirements set forth in 8 USCA §§373, 379, 381 and 399, and that therefore there could be no illegality unless §382 were violated. The latter section provides that at the hearing of the petition certain things must "be made to appear to the satisfaction of the court". Appellant argues, therefore, that since the court was satisfied as to his proof, no illegality is present. Such argument, however, is based on the assumption that appellant complied with §381 requiring a truthful declaration as above stated. As stated

above, the court below found that when appellant made the declaration on oath, he did not intend to support the Constitution of the United States, but intended to adhere to and support the principles of the Third International, and that appellant did not renounce his allegiance to foreign states, but maintained his allegiance to the Union of Socialist Soviet Republics and to the Third International. If these findings are sustained, then the judgment must be affirmed. Thus we arrive at the narrow question: are such findings clearly erroneous?

Appellant testified that he was and is attached to the principles of the Constitution of the United States; that he did not believe in the overthrow of the government of the United States by force and violence; that he "undertook the obligations of citizenship in good faith"; that he was not opposed to organized government; and that he was not a member of an organization "incompatible with the obligations of American citizenship". He also testified that he was at the time of making the declaration on oath a member of the Communist Party and fully believed in and supported its principles. His testimony in that respect was corroborated by a history of his extensive activities in the support of that party.

There was no direct testimony that appellant had any other beliefs than those mentioned, but it does not follow, as appellant seems to contend, that the court below was required to accept his testimony.

The principles of the Communist Party, to which appellant admittedly adhered, may have been such, that it was highly improbable, if not impossible, for appellant's testimony as to his beliefs to be true.

It is here unnecessary to discuss in detail all principles of the Communist Party, even if we were qualified to do so. It is sufficient here to point out wherein some of its principles are contrary to those expressed in our Constitution. The evidence consisted of testimony, and books, pamphlets and writings. There was substantial evidence which, if believed, leads to the conclusion that the Communist Party held and advocated: that private ownership of the agents of production was wrong; that the agents of production should be confiscated by the government without compensation to the private owners thereof; that the government should be a dictatorship of the proletariat; that the present government here should be abandoned and one like that of the Soviet Union established; that the Supreme Court and the Senate should be abolished; that the government should be controlled by one political party only, and all others should be suppressed; and that the various countries of the world should establish a world union of Soviet Socialist Republics. It is obvious that these views are not those of our Constitution.

As an example of the recognition by the Communist Party itself that its views are different from those expressed by our Constitution we quote the following from the program and constitution for

the years 1921 to 1924, of the Workers Party of America, now known as the Communist Party:

> "The experience of the workers in the struggle against capitalism has proven that the workers cannot take over the ready-made machinery of the Capitalist government and use this machinery to build up a Communist society. The form of organization of the existing government, constitutional basis, its laws, the bureaucracy, which has been built up over a century cannot be used by the workers. They are all of a character to aid the capitalists in the struggle against the workers and cannot be transformed into instruments of struggle of the workers against the capitalists."

In bringing these aims about, we find sharply conflicting views as to what method the Communist Party advocates. There is substantial evidence that the Communist Party expects to use and advocates overthrow of our government by force and violence. There is other evidence to support the view that such party neither contemplates nor advocates the use of force and violence in the overthrow of our government. In view of the direct conflict of evidence with respect to this question, we are unable to say that the finding of the trial court to the effect that the Communist Party advised, advocated and taught the overthrow of the Constitution and laws of the United States by force and violence, was clearly erroneous.

The trial court believed that appellant's testimony as to his support of our Constitution and allegiance to this country was incredible in view of his admission that he fully believed in and supported the principles of the Communist Party, and in view of the principles of such party. We cannot say that the trial court's conclusions are clearly erroneous in view of the substantial evidence in the record before us.

Appellant argues that the attempt to deprive him of his citizenship lawfully and properly conferred is unconstitutional and in violation of the first, fifth and fourteenth amendments. Such contention is based on the assumption that his citizenship was obtained "lawfully and properly". Such, we think, is not the case.

It is unnecessary to consider the remaining contentions of appellant relating to matters which are immaterial in view of our conclusions above stated.

Affirmed.

[Endorsed]: Opinion. Filed April 28, 1941. Paul P. O'Brien, Clerk.

United States Circuit Court of Appeals
for the Ninth Circuit

No. 9658

WILLIAM SCHNEIDERMAN, etc.,

Appellant,

vs.

UNITED STATES OF AMERICA,

Appellee.

JUDGMENT

Upon appeal from the District Court of the United States for the Northern District of California, Southern Division.

This cause came on to be heard on the Transcript of the Record from the District Court of the United States for the Northern District of California, Southern Division and was duly submitted.

On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said District Court in this cause be, and hereby is affirmed.

[Endorsed]: Filed and entered April 28, 1941. Paul P. O'Brien, Clerk.

[Title of Circuit Court of Appeals and Cause.]

ORDER STAYING ISSUANCE OF MANDATE

Upon application of Mr. George R. Andersen, counsel for the appellant, and good cause therefor appearing, it is ordered that the issuance, under Rule 28, of the mandate of this Court in the above cause be, and hereby is stayed to and including July 27, 1941; and in the event the petition for a writ of certiorari to be made by the appellant herein be docketed in the Clerk's office of the Supreme Court of the United States on or before said date, then the mandate of this Court is to be stayed until after the said Supreme Court passes upon the said petition.

FRANCIS A. GARRECHT,
United States Circuit Judge.

Dated: San Francisco, California, May 16, 1941.

[Endorsed]: Filed May 16, 1941. Paul P. O'Brien, Clerk.

[Title of Circuit Court of Appeals and Cause.]

CERTIFICATE OF CLERK, U. S. CIRCUIT COURT OF APPEALS FOR THE NINTH CIRCUIT, TO RECORD CERTIFIED UNDER RULE 38 OF THE REVISED RULES OF THE SUPREME COURT OF THE UNITED STATES

I, Paul P. O'Brien, as Clerk of the United States Circuit Court of Appeals for the Ninth Circuit, do hereby certify the foregoing two volumes, consisting of nine hundred twenty (920) pages, numbered from and including 1 to and including 920, to be a full, true and correct copy of the entire record, excluding original exhibits, of the above-entitled case in the said Circuit Court of Appeals, made pursuant to request of counsel for the appellant, and certified under Rule 38 of the Revised Rules of the Supreme Court of the United States, as the originals thereof remain on file and appear of record in my office.

Attest my hand and the seal of the said the United States Circuit Court of Appeals for the Ninth Circuit, at the City of San Francisco, in the State of California, this 15th day of July, 1941.

[Seal] PAUL P. O'BRIEN,
Clerk.

SUPREME COURT OF THE UNITED STATES

ORDER ALLOWING CERTIORARI—Filed October 13, 1941

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Mr. Justice Jackson took no part in the consideration and decision of this application.